39-342
39-342

TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1889.

No. ~~1234~~. 852

JAMES WALLACE PEAKE; MARY J. MITCHELL, EXECUTRIX OF RICHARD D. MITCHELL, DECEASED, AND JAMES JACKSON, APPELLANTS,

vs.

THE CITY OF NEW ORLEANS.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF LOUISIANA.

FILED SEPTEMBER 20, 1889.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1889.

No. 1234.

JAMES WALLACE PEAKE; MARY J. MITCHELL, EXECUTRIX OF RICHARD D. MITCHELL, DECEASED, AND JAMES JACKSON, APPELLANTS,

vs.

THE CITY OF NEW ORLEANS.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF LOUISIANA.

INDEX.

	Original.	Print.
Caption	*a*	1
Bill in chancery	1	1
Appearance of city of New Orleans	35	19
Pro confesso	36	19
Demurrer	36	20
Intervening bill of Mary J. Mitchell	38	20
Order—demurrer overruled	41	22
Answer	41	2_2
Replication	50	27
Motion and order to appoint O. B. Sansum examiner	51	27
Intervening bill of James Jackson	52	28
Decree of reference to master	54	29
Testimony taken before O. B. Sansum, examiner, with his notes	56	30
Evidence offered	60	30
Testimony of Daniel M. Brosman	71	37
Samuel D. Moody	74	39
Evidence offered	77	40
Testimony of John L. Newman	84	43
Ernest Jaunet	86	44
Louis La Roque	89	46
Report of O. B. Sansum, master, filed April 23, 1889	95	49

JUDD & DETWEILER, PRINTERS, WASHINGTON, JANUARY 24, 1890.

	Original.	Print.
Complainants' exceptions to master's report	183	94
Exceptions of defendant to the master's report	185	95
Hearing and continuance	199	102
Complainants' evidence	215	111
Sketch of draining sections of New Orleans, marked Complainants' Map 1, (not set out here)	215	111
Plan of proposed improvement for the lake-shore front, &c., marked Complainants' Map 2, (not set out here)	215	111
Act of the Legislature of Louisiana, No. 165, of March 15, 1858, (not set out here)	215	111
Act of the Legislature of Louisiana, No. 191, of March 17, 1859, (not set out here)	215	111
Act of the Legislature of Louisiana, No. 57, of March 1, 1861, (not set out here)	215	111
Act of the Legislature of Louisiana, No. 30, promulgated in March, 1871, (not set out here)	215	111
Ordinance No. 1359	216	111
No. 1372	217	112
No. 1849	218	112
Resolution marked "Assessment 1"	219	113
Resolution marked "Assessment 2"	220	113
Ordinance No. 1569, marked Assessment 3	221	114
No. 1877, marked Assessment 4	222	114
Copies of court proceedings declaring mortgage and lien in first draining district, marked Exhibit A	223	115
Exhibit marked O K 1—Extracts from assessment-roll	249	131
Extracts from the assessment-roll, first district, tableau	261	139
Court proceedings declaring mortgage lien in second draining district, marked Exhibit B	264	144
Extracts from the assessment-roll, second district, tableau	273	149
Copies of court proceedings declaring mortgage lien in second district, marked Exhibit C	282	155
Extracts from the assessment roll of second district, tableau	291	161
Copies of court proceedings declaring mortgage lien in third district, marked Exhibit D	300	168
Extracts from the assessment-roll, third district, tableau	309	173
Copies of court proceedings declaring mortgage lien in fourth district, marked Exhibit E	317	180
Assessment-rolls as homologated by the supreme court of Louisiana	336	190
Extracts from assessment-rolls, first draining district, as homologated	340	192
Copies of certificates of recorders of mortgages of the parish of Orleans and Jefferson, (not set out here)	347	201
Petition, answer, exceptions, amendments to petition, judgment, execution, and marshal's return in suit No. 10810	347	201
Amounts collected by city under act No. 30 of 1871, and paid for purposes not contemplated by said act	371	213
Ordinance No. 1574, A. S.	372	214
No. 1615, A. S.	372	214
Copy of contract between J. J. O'Hara and city	373	215
Copy of compromise between O'Hara and city	381	219
Ordinance No. 2467, A. S.	389	223

	Original.	Print.
Ordinance No. 2573, A. S.	391	223
Statement of attorneys' fees collected in third district	392	225
first district	394	226
Amount of drainage received by city in drainage warrants	401	234
Statement of salaries due and paid from 1st January, 1878, to 30 June, 1881, by city	402	235
Deposition of Warner Van Norden before Daniel Seymour	404	236
Acts No. 73 of 1872 and No. 16 of 1876, (not set out here)	410	240
Ordinance No. 3479, A. S.	410	241
Copy of inventory of effects of Mississippi and Mexican Gulf Ship Canal Company	411	241
Ordinance No. 3539, A. S.	422	247
Bill of sale and transfer by the Mississippi and Mexican Gulf Ship Canal Company and W. Van Norden, transferee, to city	423	248
Certified copy of the recording of the judgment of mortgage lien and privilege in first district, &c.	435	254
Homologation of assessment-roll	437	255
Certified copy of the recording of judgment of mortgage in second district, &c.	438	256
Homologation of assessment-rolls, second district	440	257
Certified copy of the recorded judgment of mortgage in second draining district, parish of Jefferson	441	258
Homologation of assessment-roll, second district	444	259
Certified copy of recorded judgment of mortgage in third district	446	260
Homologation of assessment-roll, third district	448	261
Certified copy of recorded judgment of mortgage in fourth district	450	262
Homologation of assessment-roll, fourth district	454	265
Homologation of assessment-roll, fourth district	456	265
Admission stated in examiner's notes that late W. H. Bell, city surveyor, was dead at time of examination, &c., (no set out here)	459	265
Certified copy of deposition of W. H. Bell, &c.	459	268
Certified copy of evidence of Joseph Collins from supreme court in record No. 8260, Davidson *vs.* City of New Orleans	468	272
Statement of all the drainage taxes in all the drainage districts, certified to by L. Laroque	470	273
Last thirteen pages of certain book marked by examiner O. B. S., April 11, 1888	472	275
Contents of four paper books purporting to be a statement of drainage taxes unpaid to June 1st, 1885	480	278
Statement certified to by W. T. Mayo, showing drainage taxes assessed against city in the four draining districts	561	314
Ordinance No. 4483, proposals of city to sell seven dredge-boats	565	318
No. 6741	566	318
Brosnan's report on dredge-boats	567	319
Ordinance No. 6038	568	320
No. 6396	569	320
No. 6970	570	321
Proclamation	571	321
Deposition of D. M. Brosnan, (not set out here—see side p. 71, *ante*)	571	321
Deposition of Samuel D. Moody, (not set out here—see side p. 74, *ante*)	571	321
Opinion and judgment of the supreme court of Louisiana in the matter of the commissioners of the first draining district praying for a homologation of assessment-roll, &c., (not set out here)	572	321

	Original.	Print.
Copy of opposition of Mrs. Rey in seventh district court	572	321
Extracts from assessment-rolls, first drainage district, showing assessments made in the name of John Davidson and confirmed and homologated by judgment, &c.	574	322
Copy of petition, alternative writ of mandamus, answer, supplemental petition, testimony of W. Van Norden, James Guthrie, statement of drainage taxes, &c.	575	323
Opinion and decree of supreme court in Davidson *vs.* City, 34 Ann., p. 170, &c. (not set out here)	600	337
Notice from the Miss. & Mexican Gulf Ship Canal Co. to council of city, &c.	601	338
Certain extracts from the proceedings of council of city	601	338
City surveyor's report to mayor	603	339
Ordinance No. 814	605	340
Deposition of J. O. Noyes, January 15, 1872	609	343
Ordinance No. 820	610	343
No. 944	611	343
Cockrem's report adopted and ordinance No. 954	612	344
Ordinance No. 1252	614	345
No. 1362	615	345
No. 1374	616	346
No. 1504	617	347
No. 1507	619	347
No. 1563	619	348
No. 2678	620	348
No. 2640	621	349
Thirteen certain extracts of sale of land purchased by city of New Orleans for the digging, deepening, and widening of Orleans street draining canal	622	349
Eleven certain extracts of sale of land purchased by the city of New Orleans for digging, deepening, and widening the Poydras street canal	640	359
Deposition of Warner Van Norden in suit U. S. *ex rel.* Jas. W. Peake *vs.* City, and exhibits attached	656	367
Petition of appeal of city of New Orleans, &c.	669	373
Account of work done in the first district by the Miss. & Mex. Gulf Ship Canal Co.	673	376
Account of work done in second district by Miss. & Mex. Gulf Ship Canal Co.	674	377
Account of work done in third district by Miss. & Mex. Gulf Ship Canal Co.	677	380
Account of work done in fourth district, &c.	679	382
Deposition of J. L. Newman before examiner (not set out here; see side p. 84, *ante*)	680	382
Deposition of Ernest Jannet before examiner (not set out here; see side p. 86, *ante*)	680	382
Drainage warrants, offered on behalf of Mrs. Mary J. Mitchell	680	382
Acts No. 48 of 1877, No. 67 of 1877, section 42 of 1882 (city charter), section No. 34 of act No. 7 of 1870, section No. 5 of act No. 71 of March 23, 1874 (not set out here)	681	382
Deposition of L. Laroque (not set out here; see side p. 89, *ante*)	681	382
Copy of order of third district court in suit No. 17028	681	383

	Original.	Print.
Certificates of the clerks of the civil district court, parish of Orleans, and supreme court of State of Louisiana	682	383
Statement of indebtedness of city, June 30, 1872	687	385
Do. December 31, 1872	688	385
Do. June 30, 1873	689	385
Do. December 31, 1873	690	385
Do. June 30, 1874	691	385
Do. December 31, 1874	692	385
Do. December 31, 1875	693	385
Do. June 30, 1876	694	386
Do. December 31, 1876	695	388
Extract from bill of sale—Guilie Guibelato	696	390
Henry T. Cockburn to M. J. Gunther	697	391
T. O. Stark—Henry Legendre	698	391
Henry Herzog—Jules Guilbelat	699	392
Mrs. L. Chaurant—Felix Charel	700	392
J. B. Ward and D. Negrotte, Jr.—D. Beaulin	701	393
J. J. Weckerling—E. Merquez	702	393
Mrs. A. Dericourt, Jr.—Wm. Conway	703	393
Henry Newman—E. H. Chadwick	704	394
Geo. A. Hero—E. H. Chadwick	704	394
Denis Clouney—E. H. Chadwick	705	395
W. D. Hoyle—Rebecca Cannayan	706	395
Lafon to Chadwick	706	396
Santini to Chadwick	707	396
Hoyle to Schultze	708	396
John Fitzgerald to Wm. Gordon	709	397
E. Garnet to Robert Upshur	710	397
The New Orleans Canal & Banking Co. to Geo. L. Bright	711	398
Bradish Johnson to Thos. Higgins, Jr.	716	400
Bradish Johnson to T. B. Munn, Jr.	717	401
Bradish Johnson—Louisiana Sugar Refining Co.	717	401
Extract from act of sale—E. H. Chadwick—Sam. Fox Nichols	718	402
Mrs. A. Dericourt, Jr., to Fred. Chateau	719	402
Procès verbal and map, with prices stated thereon of auction sales by Myra Clark Gaines	721	403
Map annexed to procès verbal	726	405
Court proceedings in State of Louisiana *ex rel.* Geo. L. Bright *vs.* City	727	406
Court proceedings in State of Louisiana *ex rel.* Bradish Johnson *vs.* City	732	409
Opposition of W. O. Denegre, seventh district court	741	414
P. Irwin and others, seventh district court	744	415
Henrietta Davidson, executrix	747	417
Statement furnished by the city showing amounts of original assessments in all the drainage districts	753	420
Recapitulation of assessments in four districts	753	421
Statement showing amount of bonds of drainage series issued and delivered, with names of parties to whom issued	757	421

	Original	Print.
Statement showing amount of bonds of drainage series issued to take up drainage warrants	764	430
Statement by city showing at length entire receipt of drainage taxes, both in cash and warrants, with disbursements of cash	770	436
Copy of statement of Shaw, administrator of public accounts, to city council in 1872	806	467
Deposition of J. L. Newman (not set out here; see side p. 907)	815	472
A. P. Harrison (not set out here; see side p. 910)	816	472
Extract from register of 7-30 certificates, showing amount and number issued to C. Roselius and A. Phillips in payment of attorneys' fees for recovering drainage-tax judgments against city	817	473
Copy of warrant for gold bond	820	474
Copy of memorandum of drainage warrants deposited in the department of public accounts by J. W. Pearce, &c.	821	474
Copy of order of L. A. Wiltz, mayor, on administrator of public accounts to deliver to W. Van Norden, &c., and receipt	822	475
Ordinance No. 264, C. S.	823	476
Report of committee on drainage	824	476
Testimony of B. R. Forman	831	479
F. N. Butler	838	483
Samuel Birchfield	856	492
E. H. Chadwick	862	495
L. J. Fremaux	870	499
E. C. Palmer	886	507
J. L. Newman	907	518
A. P. Harrison	910	519
Statement by F. N. Butler of costs of court and counsel fees paid by John Crossley & Sons, Limited, &c.	919	523
Statement of Leche, street commissioner, &c.	921	525
Judgment of James Jackson *vs.* City, No. 11558, with execution issued and return of marshal	924	531
Certified copies of the docket entries of the supreme court of Louisiana in No. 4338	928	533
Deposition of L. J. Fremaux (not set out here—see side p. 810, *ante*)	931	534
Statement of drainage warrants outstanding and unpaid to January 1st, 1889	932	535
Proceedings in John Crossley & Sons, Limited, *vs.* City, No. 9384	944	543
Proceedings in State of Louisiana *ex rel.* John Crossley & Sons, Limited, *vs.* City of New Orleans, No. 4890	959	551
Proceedings in John Crossley & Sons, Limited, *vs.* City of New Orleans, No. 10337	973	558
Statement showing drainage certificates issued to Mississippi and Mexican Gulf Ship Ca al Company in payment for work done, as per surveyor's certificates	1026	585
Mortgage certificate in name of Gilbert Lyman	1028	587
Mayor's report of old canals dug before transfer to city	1030	588
Copy of petition to revive judgments of homologation of assessment-rolls in first drainage district by John Crossley & Sons	1033	590
Statement showing pieces of property in the various drainage districts seized by the sheriff and advertised for sale, and results obtained	1037	593

	Original.	Print.
Agreement before the master of January 30, 1889, as to time for filing exception to master's report	1048	598
Ordinance No. 2128, A. S.	1048	599
Statement of drainage assessment, interest, and sheriff's costs collected in the first, second, third, and fourth draining districts from July, 1876, to December 31st, 1887, in warrants and currency, &c.	1050	599
Entry of note of evidence of city	1058	600
Defendant's evidence	1060	601
Charter amending canal company	1060	601
Contract of Van Norden with company	1064	603
Sale of dredge-boats to Van Norden	1067	605
Contract of Van Norden with canal company	1071	607
Statements of collections of drainage tax and disbursements, furnished by city (not set out here)	1075	609
Statement of original assessments (not set out here)	1075	609
Recapitulation of assessments and amounts collected	1076	610
Statement of gold bonds (not set out here—see side p. 757, *ante*)	1078	611
Statement of drainage certificates (not set out here—see side p. 1026, *ante*)	1078	611
Gold bonds for warrants (not set out here—see side p. 764, *ante*)	1078	611
Red drainage warrant	1079	611
Copy of receipts for drainage warrants (not set out here—see side p. 822, *ante*)	1080	611
Ordinance No. 1484	1080	611
1507	1081	611
1554	1082	612
1563	1085	614
Red warrant	1086	615
White warrant	1087	615
White warrant in use to June, 1872	1089	616
Statement of writs of *fi. fa.* issued and sales made and proceeds received by Aubertin, deputy sheriff	1090	617
Account of work done in draining districts, &c.	1094	619
Testimony of James B. Guthrie	1119	630
J. W. Gurley	1155	651
W. B. Willett	1166	658
Robert C. Shortridge	1170	660
James B. Guthrie (recalled)	1174	663
Charles F. Buck	1191	673
Ernest J. Jaunet	1201	679
John L. Newman	1202	680
Louis Larouque	1209	683
Joseph Desposito	1214	687
A. P. Harrison	1225	694
B. M. Harrod	1230	699
L. J. Fremaux	1257	710
Nicholas J. Hoey	1261	712
W. I. Hodgson	1293	728
J. L. Newman (recalled)	1316	740
James B. Guthrie (recalled)	1321	742
Louis Larouque (recalled)	1336	750
Joseph Desposito (recalled)	1342	753

	Original.	Print.
Testimony of A. E. Aubertin	1345	758
Alphonse Raboin	1354	759
L. J. Fremaux (recalled)	1365	764
B. M. Harrod (recalled)	1377	771
John L. Newman (recalled)	1389	776
Agreement as to transcript	1394	779
Decree	1395	779
Motion and order for appeal	1395	780
Bond for appeal	1397	780
Certificate to transcript	1399	781
Opinion	1400	782
Citation	1410	787
Proof of service of citation	1411	788
Stipulation making maps part of record	1412	788
Clerk's certificate to maps	1414	789
Maps	1415	789
Map	1416	789

a UNITED STATES OF AMERICA:

Circuit Court of the United States, Eastern District of Louisiana.

JAMES WALLACE PEAKE, Appellant,
vs.
CITY OF NEW ORLEANS, Appellee; MARY J. MITCHELL and JAMES JACKSON, Intervenors, Appellants. } No. 11614.

Richard De Gray, Esq., for complainant, James W. Peake, and intervening complainant, Mary J. Mitchell, appellants, and Thos. J. Semmes, Esq., for James Jackson, intervening complainant, appellant. Carleton Hunt, Esq., city att'y, and Harry H. Hall & White & Saunders, — City of New Orleans, appellee.

Appeal returnable to the Supreme Court of the United States of America, at the city of Washington, D. C., on the second Monday of October, A. D. 1889.

Transcript of Appeal.

1 JAMES W. PEAKE
vs.
CITY OF NEW ORLEANS. } No. 11614.

Bill in Chancery. Filed August 10th, 1887.

To the judges of the circuit court of the United States for the eastern district of Louisiana:

James Wallace Peake, of the city of New York and a citizen of the State of New York, brings this his bill, on his own behalf as well as on behalf of all other parties holding obligations of the same nature and kind as your orator or obligations that are susceptible of being reduced to the same nature and kind as your orator's who may intervene for their interest herein and may contribute to the costs and expenses of this suit, against the city of New Orleans, a municipal corporation of the State of Louisiana and a citizen of said State.

And thereupon your orator complains and says—

That by act No. 165, approved March 18th, 1858, the Legislature of the State of Louisiana provided for the leveeing, draining, and reclaiming swamp lands in certain portions of the parishes of Orleans and Jefferson, of said State, the limits of which were fully described in the 1st section of said act, and which were respectively divided into three draining districts, and these were respectively designated as the first, second, and third draining district, and to

2 which, by a subsequent act of the Legislature (which will be referred to hereinafter), *and* the district called the fourth draining district was added; that — 2nd section of said act, for the purpose of carrying out the provisions of said act, it was provided for the appointment of a board of commissioners for each of said districts, who were by the fourth section of said act invested with all

the rights and powers necessary to drain said several draining districts, and to that end they were authorized at all times to enter the lands within said districts, to place engines and machinery thereon, and to dig all necessary canals, drains, and make all necessary embankments and levees, and generally to do all things necessary to be done in draining, cleaning, and reclaiming the lands within said districts, and by the fifth section of said act said board were each authorized to sue and be sued.

And your orator further shows that by the seventh section of said act said boards of commissioners were empowered to levy, drain, and reclaim the lands in their respective districts, as follows, to wit: Whenever either of said boards of commissioners were ready and prepared to drain their respective sections or districts such board was directed to cause a plan thereof to be made, accurately designating the limits of the section or district to be drained as far as possible, the subdivisions of property therein contained, and the names of the proprietors; also the dimensions and directions of the canals to be dug, and the place where the steam-engines would be placed, which plan or plans were to be deposited in the office of the recorder of mortgages of the parish in which the section or district to be drained was situated, and notices were directed to be inserted in

3 French and English in two newspapers, once a week for four successive weeks, announcing that said board of commissioners would proceed to drain such sections, and describing the place where the plan thereof was deposited, accurately defining the limits thereof and indicating as nearly as possible the time when the draining thereof would be completed and the probable cost of the work; and said section further provided that after the publications aforesaid that said boards of commissioners should apply by petition to one of the district courts in the parish of Orleans for the portion of the section or district lying within the limits of said parish, and to the district court in the parish of Jefferson for that portion of the section or district lying within said parish, which court or courts were directed, upon due proof having been made of the publications of the notices aforesaid, to decree that each portion of the property situated within said limits was subject to a first-mortgage lien and privilege in favor of such boards of commissioners for such an amount as might be assessed upon such section or district and interest thereon at six per cent. per annum from demand thereof, which decree of the district court of the parish of Orleans was directed to be recorded in the office of the recorder of mortgages in and for said parish, and the decree of the district court for the parish of Jefferson was directed to be recorded in the office of the recorder of said parish; which lien privilege and first mortgage it was further declared by said section should take precedence over all mortgages, liens, and privileges whatsoever, whether tacit, conventional, legal, or judicial, and should attach to such property until the amount assessed and the interest thereon should be paid in full.

4 And your orator further shows that by the eighth section of said act said boards of commissioners, each within its

respective district or section, *was* given the right and authority and power to levy such uniform assessment or assessments upon the superficial or square foot of lands situate within the draining section or district of such board to defray the expense of the construction of the levees, machinery, canals, and other works necessary for the purpose of carrying out the provisions of said act, as applicable to its particular district, which assessment was to be collected from time to time as the wants of such boards might require; and the ninth section of said act provided that for the non-payment of the amount of said assessment judgment therefor should be recoverable before any court of competent jurisdiction and the lands so assessed should be sold according to law.

And your orator further shows that an act supplementary to the above act No. 165, approved March 18, 1858, was duly passed by the Legislature of Louisiana and approved March 17, 1859, being No. 191 of that year, by which it was enacted in the first section thereof that to enable said boards of commissioners to carry into effect the provisions of said act No. 165, approved March 18, 1858, and to commence the works therein contemplated, that each of said boards of commissioners should have power and authority to issue bonds in the sum of $500 each, having not more than 30 years to run and bearing interest not exceeding 8 per cent. per annum, to be designated "draining bonds," which bonds were not for any one draining district to exceed $350,000; and by the second section of said supplementary act it was provided that it should be the duty of said boards of commissioners, upon issuing the bonds aforesaid, to fix and determine the amount of assessment to be levied upon the superficial or square foot of land situate within the draining district or section of such board or boards in accordance with the provisions of the aforementioned original act approved March 18, 1858, and fix and apportion the amount to be paid yearly by the owners of said lands in order to pay the annual interest on said bonds and such bonds as might mature, and the manner of redeeming said bonds was provided for in other sections of said act.

And your orator further shows that the Legislature of the State of Louisiana, by an act approved March 1, 1861, being No. 57 of that year, and entitled An act to provide for the "collection of the assessments for draining, under "the acts of March —, eighteen hundred and fifty-eight, and act supplementary thereto, of March seventeenth, eighteen hundred and fifty-nine," enacted that the amount of assessment which the boards of commissioners of the several draining districts were authorized to affix and apportion, to be paid yearly by the owner or owners of the land within said districts, in order to pay the interest on the bonds issued or to be issued by said boards of commissioners and such bonds as might mature by virtue of the second section of said supplementary act No. 191, approved March 17, 1859, should be collected and sued for as follows, to wit: As soon as any assessment had been made notice thereof should be given, a copy thereof should be filed in the third district court of New Or-

leans, for all the assessments made on the property within
6 the limits of the parish of Orleans, and in the third judicial district court, sitting at Carrollton, for assessments made on property within the limits of the parish of Jefferson, and on which tableau of assessment thus to be filed the property assessed should be set forth, with the amounts assessed and the names of the owners thereof, if known, and if the owners' names were not known, then it should be stated in said assessment-roll that the property assessed belonged to owners unknown; that a petition should be filed with said assessment-roll, praying for an order that all persons whom it might concern do show cause within thirty days from the first publication of said order, if any they had, why said assessment-roll should not be approved and homologated; that said order thus rendered should be published in the French and English languages, at least twice a week for thirty days, in one newspaper published in New Orleans, as to the order of the third district court of New Orleans, and in one newspaper published in the parish of Jefferson, as to the order of the third judicial district court, sitting at Carrollton, and that after said publications the said courts should, on motion of counsel of said boards of commissioners, approve and homologate said assessment-rolls, which should be a judgment against the property assessed and the owners thereof, on which execution might issue as on judgments rendered in the ordinary mode of proceedings, and that the court should at the same time and in the same judgment order the delinquent parties to pay ten per cent. in addition to the amount assessed to pay costs and counsel fees.

And your orator further shows that afterwards, to wit, in the year 1871, the Legislature of the State of Louisiana, by act
7 No. 30 of that year, authorized and empowered the Mississippi and Mexican Gulf Ship Canal Company, a corporation then existing and domiciled in the city of New Orleans, to excavate drainage canals and build protection levees within the then limits of New Orleans and Carrollton, on certain terms and conditions expressed in said act, and by the second section thereof said company was authorized and empowered to dig a canal and with the earth removed from the same to build outside of said canal a protection levee in the rear of the city of New Orleans and near the shore of Lake Pontchartrain, the exact location of said canal and levee and all canals to be dug and levees to be built by said company to be designated and fixed by the board of administrators of said city of New Orleans; and by the sixth section of said act it was made the duty of the said board of administrators of the city of New Orleans, immediately after the passage of said act, not only to locate the lines of the canals and protection levees specified in the various sections of said act, but they were also required to build and run all the pumps and drainage machines necessary to lift the drainage water from the said canal or canals over into Lake Pontchartrain, and to keep the water in the canals in process of excavation as far as practicable at a proper level for the work of excavation and at the same time assist the drainage of the adjacent lands; and by the eighth section of said act it was made the duty of the city surveyor of New

Orleans, or an engineer appointed by said board of administrators for that purpose, to examine the work done by the said Mississippi and Mexican Gulf Ship Canal Company during each month,
8 and, upon measurement of the width and depth of the canal or canals or parts of canals dug and protection levees built, to certify as to the number of cubic yards excavated and the number of cubic yards of protection levees built during said month, and that it should be the duty of the administrator of accounts, on the presentation to him of said certificate of the city surveyor or engineer appointed as aforesaid, to draw a warrant or warrants on the administrator of finance in payment of the work so done, at the rate of fifty cents per cubic yard for excavation and fifty cents per cubic yard for the protection levees built, the said warrants to be of such denomination as might be required by the president of said company, and these warrants it was the duty of the administrator of finance to pay on presentation to him in case there was any funds in the city treasury to the credit of the said Mississippi and Mexican Gulf Ship Canal Company; but should there not be sufficient funds to cash said warrant or warrants, then the administrator of finance was by said act required to endorse upon the same the date of presentation, after which date the said warrant or warrants bore interest at the rate of 8 per cent. per annum until paid; and by the ninth section of said act it was enacted that in order to provide funds for the payment of the work to be done by the said company that the three boards of commissioners for the draining districts of New Orleans and Jefferson, established under the acts of March 18, 1858, March 17, 1859, and the several acts amendatory thereof, and any and all other person or persons or corporations who might have been in
9 possession, should transfer to the board of administrators of New Orleans all money, assessments, and claims for drainage in their hands or under their control; all titles to real estate; all books, plans, tableaus, and judgments in favor of commissioners; the office furniture of said drainage commissioners; a true statement of the claims of drainage commissioners against the city of New Orleans to be adjudicated and settled out of the money collected by the city of New Orleans and pertaining to said drainage districts, and that the board of administrators of New Orleans should be, and were thereby, subrogated to all the rights, powers, and facilities possessed and enjoyed by the commissioners of said several drainage districts or any other corporation charged with the duty of drainage and leveeing within the limits of the city of New Orleans and Carrollton, and the said board of administrators were directed to collect from the holders of property within said drainage districts the balance due on the assessments as shown by the books of the first, second, and third drainage districts under acts of March 18, 1858, that of March 17, 1859, and the several supplementary and amendatory acts thereto, and which assessments were thereby conferred and made exigible; and, further, to make assessments of two mills per superficial foot in those parts of the three draining districts as existing and created by the said acts of March 18, 1858, and March 17th, 1859, and amendments thereto, and on such other lands as should be

brought within the protection levees contemplated by said act No. 30 of 1871, where no assessment had been made, and to execute and enforce same as provided by the several acts of the Legislature creating
10 and regulating said boards of draining commissioners, and that all moneys received by the said boards of administrators from the said commissioners of draining districts, the collection of claims for drainage then due, from the collection of assessments, and from any of the sources of revenue contemplated by the provisions of the aforesaid section No. 9 should be placed to the credit of said Mississippi and Mexican Gulf Ship Canal Company and be held as a fund to be applied only to the drainage of New Orleans and Carrollton (as a whole and which was a virtual consolidation of all of said draining districts and the additional territory brought within said protection levees) in accordance with the provisions of said act, and that all money so received should be held in trust for the payment of said Mississippi and Mexican Gulf Ship Canal Company, provided that the rights, powers, and faculties possessed and enjoyed by said board of administrators of New Orleans, relative to drainage should be so construed as not to conflict with the rights and faculties acquired by said company in excavating canals and building levees, as stipulated in the various sections of said act; and the twelfth section of said act further provided that said act should be favorably construed so as to favor all the purposes and objects of the same and the operations of the provisions thereof; all of which will more fully appear from all of the aforementioned acts, which are made part hereof.

And your orator further shows that on the 7th day of February, 1872, under and pursuant to said act No. 30 of 1871, said board of administrators of the city of New Orleans adopted an ordinance creating the fourth draining district, as will more fully ap-
11 pear by reference to a copy thereof, herewith filed and made part hereof and marked "ordinance 1359."

And your orator further shows that said board of draining commissioners were duly appointed, qualified, and organized and entered upon the discharge of the duties imposed upon them by the various acts of the Legislature hereinbefore referred to, and pursuant to said acts respectively prepared, filed, and deposited in the office of the recorder of mortgages of the parishes wherein the lands to be drained were situated their plans, designating therein the lands to be drained, the subdivisions of property therein contained, the names of the proprietors, the dimension and direction of the canals, and the places where the engines were to be located, and after due publication of the notices as required by said acts that the said commissioners would proceed to drain said lands, naming the place of deposit of plans, defining the limits of the lands to be drained, and including as nearly as possible the time required for the completion and probable cost of the drainage, and on the petition of said commissioners decrees were rendered by the district courts designated by said acts that such portion of said property within the limits of the section or district to be drained exhibited by the plans was subject to a first lien and privilege in favor of said com-

missioners for such amounts as might be assessed upon said property for its part of the costs of such drainage, with interest thereon at six per cent. per annum from demand. Said judgments or decrees, the courts rendering the same, the dates of rendition, and the title of the proceeding are as follows, to wit:

12 The judgment "in the matter of the commissioners of the first drainage district, praying a decree of mortgage privilege," etc., duly rendered by the honorable the third district court of New Orleans on the 24th of August, 1861; the judgment "in the matter of the board of commissioners of the second draining district, praying for a decree of mortgage privilege," etc., duly rendered by the honorable the third judicial district court of Jefferson in suit No. 1938 on the docket of that court, and signed on the 29th of April, 1861; the judgment "in the matter of the board of commissioners of the second draining district, praying," etc., duly rendered by the honorable the third district court of New Orleans, and signed on the 9th of February, 1861; the judgment "in the matter of the city of New Orleans, praying for a decree of mortgage privilege," etc., upon property in the third draining district (said city acting as subrogee under said act No. 30 of the Legislature of the session of 1871), duly rendered by the eighth district court, parish of Orleans, and signed on the 4th day of May, 1872, and the judgment "in the matter of the board of administrators, praying for a recognition and recovery of assessments in the fourth draining district" (said board of administrators herein also acting as transferee and subrogee under said act No. 30 of 1871), duly rendered by the superior district court, parish of Orleans, in suit No. 807 on the docket of said court, on the 29th day of January, 1873, and signed on the 3rd day of February, 1873, copies of which judgments are herewith filed and made part hereof and marked "A," "B," "C," "D," "E."

13 And your orator further shows that under the authority conferred by said acts the board of commissioners of the first draining district on the 12th day of September, 1861, levied an assessment of $3\frac{3}{10}$ mills per superficial foot on the lands within said district to pay the cost of drainage directed by said acts; that on the 11th of March, 1861, the board of commissioners of the second draining district levied an assessment of two mills per superficial foot on the lands of said district to pay said costs of drainage of said lands under the same authority; that on the 11th of June, 1872, the board of administrators of the city of New Orleans, then vested with the power to make assessments by virtue of said act No. 30 of 1871, levied an assessment of two mills per superficial foot on all the lands within said third district to pay said costs of draining said lands, and on or about the 20th of November, 1872, the said board of administrators, in the exercise of the authority conferred by said act No. 30 of 1871, levied an assessment of two mills per superficial foot on lands within the aforesaid fourth draining district to pay the expenses of the same; all of which will more fully appear by reference to the resolutions of said boards of commissioners and ordinances of the common council of said city of New Orleans, as transferee of said boards of commissioners, copies of which are here-

with filed and made part hereof and marked respectively " assessment 1," " assessment 2," " assessment 3," and " assessment 4."

And your orator further shows that the tableaus or assessment-rolls exhibiting the amounts assessed for such drainage, the names of the owners of the lands as known, and where unknown stating the owners to be unknown, were duly filed in the courts
14 hereinafter named, in accordance with the provisions of the acts of the Legislature of the State of Louisiana, and, on motion and after due publication of said orders that all persons concerned show cause why such assessments should not be approved and homologated, said tableaus or rolls of assessment were duly homologated and approved by the judgments of said courts, which, by the terms of said act No. 57 of 1861, were and are now judgments against the aforesaid lands as well as the owners thereof for the amounts assessed and ten per cent. costs and counsel fees, and said judgments, the titles of the proceedings, the courts rendering the same, and the dates of rendition are as follows, to wit:

" In the matter of the commissioners of the first draining district, praying," etc., No. 29935, superior district court, parish of Orleans, the judgment homologating the assessment-rolls for said district was rendered on the 21st of March, 1874, by said superior district court for the parish of Orleans.

" In the matter of the commissioners of the second draining district, praying," etc., No. 1938, the judgment homologating the assessment-roll of said district above Toledano street was rendered by the second judicial district court for the parish of Jefferson on the 15th and signed on the 23rd March, 1869.

" In the matter of the commissioners of the second draining district, praying," etc., No. 25393, the judgment homologating the assessment-rolls of said district below Toledano street was rendered by the third district court for the parish of Orleans on 11th and signed on the 18th November, 1863.

" In the matter of the commissioners of the third draining
15 district, praying," etc., the judgment homologating said assessment-roll for said district was rendered on the 8th and signed on the 13th November, 1872, by the eighth district court for the parish of Orleans.

" In the matter of the board of administrators, praying," etc., No. 807, the judgment homologating the assessment for the fourth draining district was rendered on the 15th and signed on the 18th of March, 1873, by the superior district court for the parish of Orleans. Said tableaus or assessments are specially referred to for fuller explanation and greater certainty, and copies of said judgments are herewith filed and made part hereof and marked " A 1," " B 1," C 1," " D 1," and E, all of said courts so rendering said judgments having become possessed of jurisdiction over said matters under authority conferred on them by the State of Louisiana subsequent to said act No. 57 of 1861.

And your orator further shows that said board of administrators of the city of New Orleans complied with said act No. 30 of 1871, and took possession of all the money, rights, privileges, properties,

and powers conferred on them, and became possessed of the means necessary to carry out the objects of the statutes aforesaid and provide for the payment of all the drainage warrants that might be issued under said act No. 30 of 1871.

And your orator further shows that said Mississippi and Mexican Gulf Ship Canal Company and Warner Van Norden (who became subsequently the transferee of said company and who had been duly recognized as such by the Legislature of the State of Louisiana prior to the issuance of the drainage warrants sued on
16 by your orator and reduced to judgment, as hereinafter stated) proceeded, under the authority conferred under said act No. 30 of 1871, with said drainage work, excavated canals, built protection levees, and provided and ran all the machinery necessary for the full and complete accomplishment of the work, and generally did and performed all that was required of them by said act until June, 1876, by which time fully two-thirds or more of the work contemplated by said act No. 30 of 1871 and as designated thereunder by the board of administrators of the city of New Orleans had been completed, and received from said city of New Orleans, in pursuance of the provisions of said act No. 30 of 1871, warrants payable out of said taxes, assessments, and judgments for a very large sum, the amount of which is unknown to your orator and for the payment of which all of said taxes, assessments, and judgments and other assets were expressly pledged.

And your orator further shows that he is the holder and owner of a certain judgment based on three of the above-named drainage warrants issued under and in pursuance of the above act No. 30 of 1871 for work and labor done by the said Mexican Gulf Ship Canal Company and said W. Van Norden, transferee hereof, under the provisions of said act, and measured and accepted by said city of New Orleans for the sum of two thousand dollars, each numbered 115, 116, and 122 and all dated July 9, 1875, with interest at eight per cent. per annum from date, and each of which was legally and formally issued by J. G. Brown, the then administrator of public accounts of the said city of New Orleans, for the amount of money therein set forth, and each of said warrants was on the day of
17 the date thereof presented to Edward Pilsbury, the then administrator of finance of said city of New Orleans, and said presentation was by him acknowledged in writing, and the same were legal contract obligations of the said city of New Orleans to pay the amount thereof and the interest therein stipulated, and which warrants were respectively made payable to the order of said W. Van Norden, transferee of the said Mexican Gulf Ship Canal Company, who endorsed the same, whereby they became negotiable and transferable by delivery, and as such your orator acquired the same, and said W. Van Norden was at the time of the institution of the suit in which said judgment was rendered and now is a citizen of the State of New York and could then and now maintain an action on said warrants in this hon. court for the recovery of the amount thereof; which judgment was rendered in suit No. 10810 on the docket of this hon. court, and entitled James W. Peake *vs.* The City of New

Orleans, on the 9th day of May, 1887, upon which execution issued on the — day of ——, 1887, which was, after due demand on defendant by the marshal of this hon. court, returned by him *nulla bona*, as will more fully appear by reference to the record of said suit, judgment, execution, and return thereon, and all made part hereof.

And your orator further shows that in the contract made by the State of Louisiana for the city of New Orleans with the Mexican Gulf Ship Canal Company as embraced in said act No. 30 of 1871 there was a direct and positive trust and obligation imposed on said city of New Orleans to collect said drainage taxes, assessments, and judgments at that time outstanding and due, and to make
18 assessments of two mills per superficial foot in those parts of said three draining districts theretofore created and on such other lands as should be brought within the protection levees contemplated by said act where no assessments had been made, and to collect the same and place all such collections to the credit of said Mississippi and Mexican Gulf Ship Canal Company, to be applied only to the drainage of New Orleans and Carrollton, which obligations and trusts said city of New Orleans assumed and accepted, and thereby guaranteed and warranted to perform all the said obligations and duties imposed on her by said act, and specially said duty of placing all of said collections to the credit of said Mississippi and Mexican Gulf Ship Canal Company and applying the same solely to the drainage of New Orleans and Carrollton.

And your orator further shows that said city has collected said drainage taxes, assessments, and judgments to a very large amount from various parties owing the same, but the amount thereof and the names of the parties from whom the same were collected are unknown to your orator, but, disregarding her duties and obligations and warranties aforesaid, has applied a very large amount of said collections to purposes not contemplated by said act No. 30 of 1871, and in violation thereof, and among others as follows:

First. The sum of $18,699.66, set forth in detail in exhibit marked "account No. 1," not one cent of which was ever placed to the credit of said Mississippi and Mexican Gulf Ship Canal Company or paid in accordance with any of the provisions of said act No. 30 of 1871, although collected thereunder.

19 Second. Three thousand dollars paid in January, 1874, to James J. O'Hara, whose relations with said city are set forth in the document herewith filed and made part hereof and marked "contract 1," and which was paid under a certain compromise made between said O'Hara and said city of New Orleans, a certified copy whereof is filed herewith and marked "compromise 1."

Third. Five hundred dollars paid about January, 1874, to P. E. Boyer, transferee of the firm of H. & C. Tyler, for coal for running the draining machines of the city of New Orleans which it was declared in said act No. 30 of 1871 should be run by said city of New Orleans.

Fourth. Seven thousand five hundred and two $\frac{57}{100}$ dollars collected by said city as attorney's fees in the third draining district, which it was decided in the case of Lacy *vs.* Waples and The City of

New Orleans (28 La. Ann., p. 158) belonged to said city of New Orleans as part of said drainage fund, and of which sum three thousand and fifty-three $\frac{80}{100}$ dollars has been illegally and improperly paid out by said city on the dates and to the parties specified in exhibit hereto annexed and made part hereof and marked "account No. 2," leaving a balance due to the credit of said account which should be paid to your orator and parties similarly situated.

Fifth. Ten thousand dollars and upwards, the precise amount not being known to your orator, collected by said city as attorney's fees in the first draining district and paid out as such to Geo. S. Lacy and others, who rendered said services as city attorney, and who, in
in accordance with the above decision in Lacy *vs.* Waples *et al.*,
20 were not entitled to such fees, but the same belonged to said city as part of the drainage fund created by the acts hereinbefore referred to.

And your orator further shows that said city of New Orleans, from the 27th day of July, 1872, to the 9th of January, 1873, collected in cash in said first draining district $1,546.03; in said second draining district, $3,398.85, and in said third draining district, $1,939.95, making a total of $6,884.83 of drainage taxes collected during said time, for which said city released and discharged the individuals and lands against which the same were levied and assessed, which she never deposited or placed to the credit of said Mississippi and Mexican Gulf Ship Canal Company and never paid out for any purposes contemplated by said act No. 30 of 1871, and with which she is now chargeable, with interest from the date of collection.

And your orator further shows that from December 31, 1873, up to June 30, 1881, said city of New Orleans, in utter disregard of the obligations imposed on her as aforesaid and without any authority whatever therefor, received in full payment and satisfaction of drainage taxes, assessments, and judgments imposed and rendered as aforesaid drainage warrants amounting to $214,440.95, a full and detailed account whereof is set forth in exhibit herewith filed and marked "account No. 3," for which amount said city is chargeable, with interest.

And your orator further shows that by the purchase by the city
of New Orleans on the 7th day of June, 1876, of the boats,
21 franchises, and property of said Mexican Gulf Ship Canal Company and its transferee, as hereinafter described, said city of New Orleans, in her corporate and municipal capacity, became the absolute owner and proprietor of said property so purchased and held and owned it for the sole use and benefit of said city, and was thereafter in duty bound to continue said drainage work, dig canals, and build protection levees until said drainage was fully completed, and collect the taxes, assessments, and judgments out of which all of said drainage warrants were to be paid, free of any claim or charge whatever therefor, which fact was so well recognized and understood at the time of said purchase that there was a provision incorporated in said act of sale providing a bureau of drainage should be created, with an office in the City Hall at New Orleans, with a book-keeper at a salary of $200 per month, and a collector at a sal-

ary of $300 per month, payable out of drainage assessments and 2½% commissions on the amount of taxes collected, out of which said collector was to pay all attorneys' fees, costs, expenses, clerk hire, and stationery, and to the obligations of which said Van Norden, transferee as aforesaid, individually and as a holder of drainage warrants, undertook to bind all warrants so held by him, as will more fully appear by reference to said act of sale hereinafter described.

And your orator further shows that under the terms of the above stipulation in said act of sale and transfer said city of New Orleans has paid W. T. Mayo, book-keeper, a sum exceeding twenty-four thousand dollars, and to James B. Guthrie a sum exceeding thirty-five
22 thousand dollars; and your orator shows that the warrant upon which his aforesaid judgment is based had passed from the possession and control of said Van Norden long prior to the date of said sale and transfer of June 7, 1876, and the same were not bound, nor is your orators said judgment based thereon bound, by any stipulation in said agreement (and your orator is informed and believes that all of said warrants issued for work done, performed, and accepted by said city of New Orleans, amounting to $325,000 and upwards, were also at the date of said sale and transfer not held or controlled by said Van Norden), and as to this class of warrants, which were all issued and dated prior to said sale and transfer, and any and all judgments based thereon, said payments to said Mayo and to said Guthrie were illegal and improper, and said city is bound to account to the holders of said class of warrants and judgments based thereon for said payments so made to said Mayo and Guthrie as aforesaid.

And your orator further shows that he is informed and believes there are many more cases of unauthorized payments and wastings of said drainage fund, but the dates and parties to whom paid are at present unknown to him, as will more fully appear by reference to a compromise thereof attempted to be made by said city and said Van Norden in said act of sale of June 7, 1876, and hereinafter referred to as aforesaid.

And your orator further shows that by act No. 16 of the Legislature of Louisiana, approved February 24, 1876, and made part hereof, the city of New Orleans was authorized and empowered to contract with said Mississippi and Mexican Gulf Ship Canal Company and said W. Van Norden, transferee thereof, for the
23 purchase of its rights and said Van Norden's rights, franchises, tools, implements, machines, boats, and apparatus, the purchase price to be paid in drainage warrants payable out of drainage assessments imposed under previous acts, and on the 7th day of June, 1876, said purchase was made by notarial act, a copy of which, as well as of the inventory of the goods sold, is herewith filed and made part hereof and marked "transfer 1" and "inventory 1," the said city receiving from said company and its transferee said machines, boats, and apparatus and implements of great value, for which it agreed and bound itself to pay $300,000 in drainage warrants, with $20,000 additional in pretended compromise or misap-

propriation of funds as aforesaid, to be enforced and collected by said city of New Orleans, which warrants were accordingly delivered to the said Van Norden, transferee as aforesaid, and ever since said city has had possession and enjoyment of said property, wholly disregarding its obligations to pay for the same, as is more fully stated hereafter; that by such act the city of New Orleans assumed entire charge of said drainage work — undertook to carry it on; avail itself of the work done by said company, which, in compliance with all of its obligations, had dug and excavated canals and built levees and performed services requisite to said drainage work up to the time of said sale and transfer on said 7th day of June, 1876, when from two-thirds to three-quarters of all the work contemplated by said act No. 30 of 1871, and as designed thereunder by the board of administrators of New Orleans had been completed; that the work so *due* by said company and its transferee was in all respects conformable to the acts of the Legislature and the designs and di-
24 rections of said board of administrators and was adequate to secure the drainage proposed, requiring, of course, proper efforts on the part of the city of New Orleans to maintain the work already done and to go on and prosecute the same to its final completion, which it became its sole right and duty to do after said sale and transfer as aforesaid; and all of said drainage warrants issued as aforesaid for actual work and labor done by said company, and measured, approved, and accepted by said city of New Orleans, and all judgments based thereon are first entitled to the benefits of and to be paid out of said assessments, liens, privileges, mortgages, and judgments, and especially the judgments against the city of New Orleans hereinafter specially described, and next all of said warrants issued for said property bought, received, and enjoyed by said city but not paid for, and all judgments based on said last-named warrants are entitled to the benefit of and to be paid out of said assessments, liens, privileges, mortgages, and judgments aforesaid.

And your orator further shows that all of said warrants were in the same form, except as to amounts and dates, and were negotiable, were secured by all said drainage assessments and judgments pledged for their payment and by the obligations of the city of New Orleans imposed by law, as well as by the express assumption of said city to collect and apply the funds derived from all of said drainage assessments and judgments therefor to the payment of all of said warrants in the order aforesaid; and on the faith of said obli-
gations of the city of New Orleans and of these securities your
25 orator, for actual value given by him therefor, acquired the warrants hereinbefore described and upon which your orator's aforesaid judgment is based as aforesaid.

And your orator further shows that he is informed and believes there are now outstanding, for work actually done, measured, and accepted by the city of New Orleans, warrants exceeding in amount $325,000, which are in addition to the above $320,000 issued for the purchase of the franchise, tools, etc., as aforesaid.

And your orator further shows that the decrees of the court afore-

said subjecting the lands to be drained to the first-mortgage lien and privilege to secure said assessments assessed for drainage, and homologating said assessment-rolls constituting personal judgments against the owners of the land as well as against the land for the amounts assessed, have been duly recorded in the office of the recorder of mortgages of the parishes of Orleans and Jefferson, according to the situation of the lands, and within ten years from the rendition and recordation thereof have been reinscribed and are mortgages against the lands and the owners thereof to secure said assessments, and proceedings have been instituted in the State courts by the city of New Orleans, as transferee and subrogee aforesaid, within ten years from the rendition thereof to revive said judgments homologating said assessment-rolls and constituting personal judgments as aforesaid; and in the second draining district for the parish of Jefferson said judgment was, at the suit of the city of New Orleans, transferee and subrogee aforesaid, duly revived by a judgment of said second judicial district court, rendered on the 9th and signed on the 18th day of April, 1879, as will more fully appear by
26 reference to copies of said proceedings, made part hereof and filed with "A 1," "B 1," "C 1," "D 1."

And your orator further shows that subsequent to the issue of said warrants and the assumption by the city of said drainage work the Legislature of Louisiana passed certain laws to exclude certain lands from all liability for the said assessments, to annul the judgments therefor, cancel all liens, mortgages, and privileges securing said assessments, and finally there is incorporated in the present charter of the city of New Orleans an enactment to repeal all the laws for the drainage of said city and forbidding the collection of said drainage assessments, all of which will more fully appear by reference to the acts of the Legislature—No. 48 of the year 1877, No. 67 of the year 1877, and No. 20, section 42, of the year 1882; all of which are made part hereof and specially referred to for fuller explanation and greater certainty.

And your orator further shows that the legislative acts under which said warrants issued pledging said taxes, assessments, and judgments for their payment were in legal effect contracts, under which the holders of said warrants and judgments rendered thereon were entitled to the benefit of all securities as well as of the fulfillment of the obligations of the city of New Orleans to enforce said taxes, assessments, and judgments thereon; that said legislative acts, to wit, No. 48 of 1877, No. 67 of 1877, and section 42 of act No. 20 of 1882, propose to liberate the lands, the owners thereof, and said city of New Orleans from all liability to the holders of said warrants and judgments based thereon and to destroy all the securities
27 pledged for the payment of said warrants and judgments based thereon, and said acts further propose to discharge said city from all its obligations to pay the price of the property acquired by it under its contract of purchase of the 7th of June, 1876, to be paid out of said drainage assessments and judgments, which said city by its contract bound itself to collect and enforce; that in effect these legislative acts design to destroy the right of property of your

orator in said drainage assessments and judgments, free all parties from liability, cancel all securities on the lands, and deprive your orator and other parties similarly situated of all means of payment of said warrants and judgments based thereon created by said city of New Orleans under the pledge of the grant and securities hereinbefore set forth.

And your orator further shows that said legislative acts and each of them are null, void, and of no effect for plain repugnancy to the Constitution of the United States and especially to the first article, section 10, and the fifteenth amendment of that instrument, prohibiting all legislation impairing the obligations of contracts and protecting the rights of property by which your orator's rights are secured.

And your orator further shows that there is now due and uncollected drainage taxes, assessments, and judgments exceeding one and a half millions in amount, and that the city of New Orleans itself is a judgment debtor for drainage taxes and assessments levied upon lands exhibited on said assessment-rolls for the various drainage districts and duly approved and homologated for the following sums, to wit:

28

In the first draining district, with interest----	$223,111 60
In the second draining district for that portion thereon situate in the parish of Jefferson, with interest ----------	128,454 29
In the second draining district for that portion thereof situate in the parish of Orleans, with interest------	71,431 18
In the third draining district, with interest thereon, at six per cent. per annum, from May 4, 1872------	207,441 41
In the fourth draining district, with interest thereon, at six per cent. per annum, from January 30, 1873-	65,956 00

making in the aggregate six hundred and ninety-six thousand three hundred and ninety-four $\frac{48}{100}$ dollars, exclusive of interest, counsel fees, and costs allowed by said judgments, which is unpaid and should be paid by said city of New Orleans to the satisfaction of your orator's said judgment, and drainage warrants outstanding susceptible of being reduced to like judgments and interest thereon, as will more fully appear by reference to duly certified copies of said judgments and extracts from said assessment-rolls, duly approved and homologated by the aforesaid judgments, copies of which are herewith filed and marked "A 1," "B 1," "C 1," "D 1," "E 1."

And your orator further shows that said judgment above set forth for $128,454.29, although rendered against the city of Jefferson, city of Carrollton, and the police jury of the parish of Jeffer-

29

son, the same became a judgment against the city of New Orleans and a debt due by said city of New Orleans under section 34 of act No. 7 of the Legislature of the State of Louisiana, approved March 16, 1870, and the fifth section of act No. 7 of the said Legislature of said State, approved March 21, 1874, as will more fully appear by reference to said acts, which are made part hereof.

And your orator further shows that the aforesaid judgments against said city of New Orleans were rendered against her in suits instituted and prosecuted by herself, and especially those based on assessments in said first, third, and fourth draining districts, and that subsequent to the rendition thereof, and in further recognition of the correctness thereof and her liability thereof, said city has asked the courts for the revival thereof.

And your orator further shows that since said legislation of 1877 said city of New Orleans has failed to enforce said assessments and judgments, neither paying what it owes itself or enforcing the liability due by others, nor has it complied in any manner with its obligations in the premises, and shields itself under the illegal and unconstitutional acts aforesaid, and said avowal, and refusal, among others, was and is manifested in the ordinance of the council of the said city passed on the 5th of April, 1881, and in the proclamation of the mayor of the said city, published April 7th, 8th, and 9th, 1881, copies of which are herewith filed and marked ordinance No. 6970 and proclamation No. 1 and made part hereof.

30 And your orator further shows that among those who appeared and opposed the homologation of the assessments in the first draining district (which had been levied long prior to said act No. 30 of 1871, but which was approved and homologated thereunder) was the estate of John Davidson, but after due hearing said assessment-rolls were duly approved and homologated as aforesaid (see 27 Ann., p. 20 to 24, made part hereof), and the judgment of the supreme court in that matter was duly affirmed by the Supreme Court of the United States (96 U. S. R., p. 69), and thereafter and after said sale and transfer from said Mississippi and Mexican Gulf Ship Canal Company and said W. Van Norden, transferee, and after said city of New Orleans had failed and declined to go on and complete said drainage work, and after she had allowed some of the drainage boats so purchased as aforesaid to sink and rot and had sold others, and thus rendered herself unqualified to complete the same, and publicly announced her determination not to do so, said estate of said John Davidson brought suit to have the aforesaid judgments against it annulled and set aside, and said judgment in March, 1882, was annulled on the ground that the same was prospective and based upon benefits to be rendered; that said benefits had not, up to the time of the institution of said suit, been rendered, but injury had been done in consequence of the work as far as done; that the city of New Orleans had abandoned all drainage work and disposed of all drainage apparatus and become impotent to resume said drainage enterprise, and that therefore there was a failure of consideration of said judgment which rendered it inequitable and unjust to enforce the same. (See 34 Ann., p. 170 to 178, made part hereof.)

31 And your orator further shows that the area of land to be reclaimed and drained under act No. 30 of 1871 embraced all the lands in the three draining districts described in said act No. 165 of 1858 and such additional lands as were brought within the limits of the protection levees contemplated by said act No. 30

of 1871, and this territory, under said act, as an entirety, was to be drained and protected as follows, to wit: By a canal 50 feet wide and 15 feet deep, to be dug from a point on the Mississippi river above Carrollton to Lake Pontchartrain, then along the shore of said lake to the lower limits of the city of New Orleans, and thence from said lake shore to the Mississippi river below said city, and with the earth removed from said canal a protection levee was to be built on the outside of said canal one hundred feet wide at its base and of sufficient length to protect the land within the same from overflow, and the said canal and protection levee, together with the levee on the bank of the Mississippi river, to form a complete protection from overflow of the lands within said limits, and said canal, on the inside of said protection levee, to secure as a reservoir for the drainage of New Orleans and lands in the rear of said city, into which other canals contemplated by said act and located by said — were to empty, and from said reservoir canal the water was to be lifted and pumped into said Lake Pontchartrain by engines, drainage machines, and apparatus to be placed, built, and run by said city of New Orleans and at her expense, the whole constituting one entire system of drainage, the real benefits and advantages of which could only be realized by the completion of the entire sys-
32 tem, which canals, protection levees, and other canals contemplated by said act were to be and were located by said board of administrators of said city and are exhibited on the map herewith filed and made part hereof and marked "drainage map No. 1."

And your orator further shows that more than two-thirds of the work of said drainage system was completed at the time of the purchase of said city, on June 7, 1871, as aforesaid. The canal and protection levee from the Mississippi river above Carrollton to the shore of Lake Pontchartrain and along said lake to the bank of the new canal at West End, on said lake, had been completed, as was also the canal and protection levee below said city of New Orleans, and about all the canals within the above area of territory had been dug and the old canals cleaned and deepened, leaving only to be built the canal and protection levee from West End to the point where said lower canal and protection levee joined the shore of said Lake Pontchartrain and the pumps and apparatus to be bought placed in position and run by said city of New Orleans.

And your orator further shows that after said city became the owner of said franchise, boats, and implements, and thus alone authorized and fully equipped to complete said system of drainage as an entirety according to the plan thereof, she wholly disregarded her duties and obligations and declined and refused to proceed with said work, sold some dredge-boats, tools, and apparatus bought as aforesaid, and allowed others to rot as aforesaid, and suffered the work already done to remain useless and go to destruction by neglect; and your orator avers that the sole cause for the lack of the bene-
33 fits conferred on said property of said Davidson's estate and damage thereto, if any, and the sole ground for said Davidson decision was the refusal and neglect of said city to complete

said system as an entirety and build and run the engines and apparatus to remove said drainage water from said reservoir canal, that the territory aforesaid might be fully and completely drained and protected from overflow, and she alone is responsible for said decision and the loss of the amount of said judgment, which, with interest thereon, amounted to eighty thousand dollars and upwards, and is chargeable therewith and accountable to your orator and other holders of judgments based on said drainage warrants and warrants susceptible of being reduced to like judgments.

And your orator further shows that he is informed and believes that very numerous other decisions have been rendered by the courts of Louisiana based on the same facts and grounds as the above Davidson decision (but the titles to the suits and the amounts therein invoked are at present unknown to your orator), whereby very numerous drainage assessments and judgments based thereon have been annulled and set aside and the lands and the owners thereof released and discharged from all liability, and all due to the fault, neglect, and refusal of said city of New Orleans to complete the drainage work aforesaid, whereby very large sums of money have become wholly lost to your orator and others similarly situated, and for all of which and for all loss, waste, and damage resulting from the non-fulfillment of its duty as aforesaid said city is accountable.

To the end, therefore, that it may be adjudged that the said acts of the Legislature of Louisiana, to wit, No. 48 of 1877,
34 No. 67 of 1877, and section 42 of act No. 20 of 1882, are unconstitutional, null, and void; that an account may be taken of all the drainage taxes, assessments, and judgments imposed and rendered under acts No. 165 of March 18, 1858, No. 191 of March 17, 1859, No. 57 of March 1st, 1861, and No. 30 of 1871, and the various acts of the Legislature supplementary thereto and amendatory thereof, and of all moneys collected by said city of New Orleans under the aforesaid acts, and of any and all other assets and property that came to said city of New Orleans under the aforesaid acts or any of them, as well as of each, any, and all payments, disbursements, and dispositions thereof, and that a further account be taken of all the loss, waste, and damage caused by said city of New Orleans of or to said drainage taxes, assessments, and judgments by reason of its illegal and wrongful acts of administration of the duties and obligations imposed on it under the above-named acts of the Legislature, to wit, No. 165 of 1858, No. 191 of 1859, No. 57 of 1861, and No. 30 of 1871, or any of them or by its failure to observe and carry out said obligations, or from any other cause, and that the sum found to be due on said accounting, with interest, may be decreed to be paid to your orator and other parties similarly situated who may avail themselves of the benefit of these proceedings and *any* offer to pay their share of the costs, expenses, and counsel fees herein, and that your orator and said other parties similarly situated may have judgment against said city of New Orleans for the sum so found to be due as aforesaid, and that your orator

may have such other and further relief and redress or both as may be proper and just in the premises—

35 May it please your honors to grant unto your orator a writ of subpœna, issuing out of and under the seal of this honorable court, directed to the city of New Orleans, therein and thereby commanding said city of New Orleans, on a day certain therein to be named and under a certain penalty, to be and appear before this honorable court, then and there to answer, but without oath, which is waived, all and singular the premises, and to stand to, perform, and abide such order, direction, and decree as may be meet and agreeable to equity and good conscience; and your orator, as in duty bound, will ever pray.

(Signed) RICHARD DE GRAY,
ROBERT MOTT,
Solicitors for Complainant.

Appearance of City of New Orleans.

Extract from the Chancery Order Book.

NEW ORLEANS, MONDAY, *Sept.* 5, 1887.

JAS. W. PEAKE
vs. } No. 11614.
CITY OF NEW ORLEANS.

And now comes The City of New Orleans, defendant, by W. H. Rogers, city attorney, and enters appearance to the complainant's bill of complaint.

36 *Pro Confesso.*

Extract from the Chancery Order Book.

NEW ORLEANS, MONDAY, *November* 14, 1887.

JAMES W. PEAKE
vs. } No. 11614.
CITY OF NEW ORLEANS.

On motion of R. Mott and R. De Gray, solicitors for complainant, and it appearing that the defendant, The City of New Orleans, has been duly served with process of subpœna herein, and that said defendant entered appearance to the said complainant's bill of complaint, but has failed to plead, answer, or demur to the said bill of complaint within the time required by law—

It is ordered that said complainant's bill of complaint, as to all the matters and things therein alleged and set forth, be, and the same *are* hereby, adjudged and taken as confessed as against said defendant.

Demurrer. Filed November 18, 1887.

JAMES W. PEAKE
vs.
CITY OF NEW ORLEANS. } No. 11614.

37 In Chancery.

Demurrer of The City of New Orleans, Defendant, to said Bill.

This defendant, by protestation, not confessing or acknowledging all or any of the matters and things in the said bill of complaint contained to be true in such manner and form as the same are therein and thereby set forth and alleged, doth demur in law to said bill, and for cause of demurrer saith that said complainant has not by his said bill made such a case as entitles him in a court of equity to any discovery or relief from or against this defendant touching the matters complained of in said bill or any of them, nor entitles said complainant to any relief in this court.

Wherefore, and for divers other good causes of demurrer appearing in said bill, this defendant doth demur thereto and to all matters and things therein contained, and prays the judgment of this honorable court whether she shall be compelled to make any further or other answer to said bill, and humbly prays to be hence dismissed with her reasonable costs in this behalf sustained.

(Signed) W. H. ROGERS, *City Att'y.*

I, J. V. Guillotte, being sworn, says he is mayor of the city of New Orleans, and the said demurrer is not interposed for delay.

(S'g'd) J. V. GUILLOTTE, *Mayor.*

Sworn to and subscribed before me this 18th day of Nov., 1887.

[SEAL.] (Signed) TH. BUISSON, *Not. Pub.*

38 I, W. H. Rogers, counsel for the city of New Orleans, do certify that, in my opinion, the same is well founded in law and not interposed for delay.

(Signed) W. H. ROGERS.

Intervening Bill of Complaint of Mary J. Mitchell. Filed Dec'r 10, 1887.

Circuit Court of the United States, Fifth Circuit and Eastern District of Louisiana.

JAMES W. PEAKE
vs.
THE CITY OF NEW ORLEANS. } No. 11614.

To the circuit court of the United States for the eastern district of Louisiana:

Mary J. Mitchell, of the city of Philadelphia, State of Pennsylvania, and a citizen of said State, and the duly qualified executrix of

the last will and testament of Richard D. Mitchell, deceased, whose succession is now in the course of administration in the matter of the succession of R. D. Mitchell, No. 735, civil district court, parish of Orleans, brings this her intervening bill against the defendant, The City of New Orleans, and a citizen of the State of Louisiana,
39 joining the complainant in the above-entitled suit according to the invitation contained in said bill of complaint.

And thereupon your intervening complainant, taking the responsibilities of the complainant and her share of the liability for costs, says:

1st. That she is a citizen of the State of Pennsylvania.

2nd. That she is the holder and owner in the capacity aforesaid of five drainage warrants issued by the city of New Orleans similar to those described in the original bill and on which the judgment therein described was rendered, amounting to the total sum of eight thousand dollars, and which bear eight per cent. interest from the several dates thereof, one of which is for $1,000 and numbered 111, dated June 11, 1875; one for $1,000, numbered 160, dated September 2nd, 1875; one for $2,000, numbered 246, dated January 7, 1876; one for $2,000, numbered 247, dated January 7, 1876, and one for $2,000, numbered 248, and dated January 7, 1876, and all payable to the order of W. Van Norden, transferee of the Mississippi and Mexican Gulf Ship Canal Company, and are by him endorsed, and were on the respective dates thereof presented for payment to the administrator of finance of the city of New Orleans, and said presentations were endorsed on said warrants respectively, and the same, not being paid on the dates of said presentations, bear interest at 8% per annum from the said date of presentation to the administrator of finance of said city of New Orleans as aforesaid.

3rd. That said Van Norden, in whose favor said warrants were drawn, is a citizen of the State of New York and could sue thereon in this honorable court.

40 4th. That said warrants were issued under the provisions of act No. 30 of 1871, which act is fully set forth in the original bill of complaint, which is adopted as part of this bill, and were issued for work done under said — and approved and accepted by said city of New Orleans.

Wherefore complainant prays to be allowed to intervene in this suit, and to participate in all its benefits and in all the orders and decrees that may be rendered therein, and that a subpœna be issued, directed to said city of New Orleans, through its mayor, commanding said city to answer hereto, but without oath, which is waived, and that the relief prayed for in the original bill be granted and complainant herein be entitled to participate therein to the extent of the amount of her said warrants and interest thereon.

Complainant further prays for costs and for all such other and further relief as is agreeable to equity and good conscience.

And this complainant will ever pray.

(Signed) C. S. RICE &
RICHARD DE GRAY,
Sol'rs for Complainant.

Service of a copy hereof accepted and service of subpœna waived and appearance entered for the defendant, City of New Orleans.
New Orleans, Dec. 10, '87.
(Signed) W. H. ROGERS, *City Att'y.*

Order.

Let this intervening bill be filed.
New Orleans, Dec. 10, 1887.
(Signed) EDWARD C. BILLINGS, *Judge.*

41 *Order. Demurrer Overruled.*

Extract from the Minute Book, November Term, 1887.

NEW ORLEANS, SATURDAY, *February* 25, 1888.

Court met pursuant to adjournment.
Present: Hon. Edward C. Billings, district judge.

JAMES WALLACE PEAKE
vs.
CITY OF NEW ORLEANS. } No. 11614.

This cause came on this day to be heard on the general demurrer of the defendant to the complainant's bill of complaint herein, and was argued by counsel for the respective parties and submitted; whereupon, and upon consideration thereof, it was ordered that the said demurrer be, and the same is hereby, overruled, with costs, and that the said defendant have until the second Monday after the next rule day to answer the bill of complaint herein.

Answer. Filed March 19, 1888.

JAMES W. PEAKE
vs.
CITY OF NEW ORLEANS. } No. 11614.

42 This defendant, now and at all times hereafter, saving and reserving to itself all and all manner of benefit or advantage of exception or otherwise that can or may be had or taken to the many errors, uncertainties, and imperfections in the said bill contained, for answer thereto, or to so much thereof as this defendant is advised it is material or necessary for it to make answer to, answering, says:

1. That in the year 1858 the Legislature of Louisiana passed an act, being act No. 165 of that year, entitled "An act to provide for the leveeing, draining, and reclaiming of swamp lands in certain portions of the parishes of Orleans and Jefferson."

That in the year 1859 the Legislature of Louisiana passed an act (being act No. 191 of that year) entitled:

"An act supplementary to an act entitled 'An act to provide for the leveeing, draining, and reclaiming swamp lands in certain portions of the parishes of Orleans and Jefferson,' approved March 18, 1858."

That in the year 1861 the Legislature of Louisiana passed an act (being act No. 57 of that year) entitled:

"An act to provide for the collection of assessments made under —."

That the object of these acts was to provide for the drainage of the lands described and bounded in them, and to that end they created boards of commissioners to determine on and supervise the carrying out of the drainage works in the three districts into which the said lands were divided; authorize said boards to levy an assessment or tax on the lands to be drained, and provided
43 how said assessment or tax should be made a first mortgage and privilege on said lands, and how it should be collected; all of which will more fully appear by reference to said acts as printed by authority in the acts for the years 1858, 1859, and 1861.

2. That said act No. 57 of 1861 directed that when the said boards of commissioners had levied a drainage tax of so many mills per square foot they should prepare a roll showing the persons and property assessed and the amount assessed against each; that, after due notice given of the preparation of this roll and exposure thereof for inspection certain designated courts should, on application of said boards, render a judgment homologating said rolls, and that this judgment of homologation should have the effect of a judgment against said property and the owners thereof, but that it was not intended that said judgment of homologation should have the force of a general personal judgment against said owners, but only that it should have the force and effect of a judgment against the owners restricted in execution to the particular property assessed.

3. That in 1871 the Legislature of Louisiana passed an act (being act No. 30 of that year) entitled:

"An act to provide for the drainage of New Orleans."

That in this act it was provided that the Mississippi & Mexican Gulf Ship Canal Company should, for a remuneration fixed in said act, construct the drainage works therein indicated and such other drainage works as should be fixed by the board of administrators of the city of New Orleans.

44 That said act further provided that for work done thereunder by said company and measured and accepted by the said board of administrators warrants should be issued on the administrator of finance; that said administrator of finance should pay these warrants on presentation thereof to him if he then had any money to the credit of said company, and that if he had no money to its credit, then the date of presentation should be endorsed on said warrants, and they should thereafter bear 8 per cent. per annum interest until paid.

That the said act further provided that in order to secure a fund for the payment of said drainage works the assets of the former boards of drainage commissioners, including the assessments and

assessment-rolls made by them and judgments in their favor, as also their claims against the city, should be transferred to said board of administrators; and said board of administrators were directed to collect the balance due on the levies and assessments made by said boards of commissioners, and to levy an assessment on the lands comprehended under said act, but not included under former acts, and the money thus collected was to be held by said board of administrators to the credit of said company and for the payment of the above-mentioned warrants.

Respondent shows, however, that the provisions in said act which were afterwards construed to invest the said board of administrators with the powers conferred by said act 57 of 1861 on the boards of commissioners were unconstitutional and void if they were intended to have that effect, and that the pretended judgments
45 of homologation mentioned in complainant's bill herein as obtained by said board of administrators under the said act 57 of 1861 were null and void, and so held and decreed in the matter of Miss. & Mexican Ship Canal Co. *vs.* City of New Orleans, 35 Ann., p. 68, and by virtue and effect of this judgment the complainants are barred from claiming any relief in this proceeding by reason of said assessment and judgments, and defendant hopes it may have the benefit of this defence as if it had availed itself thereof in the form of a plea to the same.

Respondent further shows that under none of the acts hereinbefore mentioned was any authority conferred on the board of commissioners or on the board of administrators to assess the city of New Orleans on its streets and public places, and that all assessments for drainage against said city on its streets and public property were null and void.

Respondent further shows that the said Mississippi and Mexican Gulf Canal Company accepted the terms of said act 30 of 1871 and began work thereunder; that under said act 30 of 1871 said company was entitled to look for payment for work done only from the fund therein provided, and that said fund embraced nothing beyond the drainage assessments legally made under said act and the uncollected balances of drainage assessments legally made under the act of 1858, above referred to; and your respondent further shows that no validity or force are attached to ordinance 1359, adopted Febr'y 7, 1872; the same was null and void, and — so declared by the supreme court of Louisiana in the cases known as Succession of Irwin and others, 35 Ann., p. 68, and also 33 Ann., 63 and 34 Ann., p. 97.

46 Respondent further shows that for all work done by said company under said act 30 of 1871 and measured and accepted by said board of administrators up to January 1st, 1875, the said company was paid in full, either in cash or by exchange of the drainage warrants issued under said act No. 30 of 1871 for seven per cent. gold bonds of the city of New Orleans issued under act 73 of the Legislature of Louisiana for the year 1872.

Respondent further shows that in 1872 the Legislature of Louisiana passed an act (being act No. 73 of that year) entitled An act to

authorize the council of the city of New Orleans to levy a police tax, and for other purposes set forth in its title.

That under the 13th section of said act the city of New Orleans was authorized to fund drainage warrants issued under act 30 of 1871 into 7 per cent. bonds of the said city; that said act 73 of 1872 did not purport to create any new indebtedness by the city of New Orleans, but only to provide for the funding of its existing indebtedness; that said act therefore did not impose upon the city of New Orleans as its debt the entire cost of the drainage done under said act 30 of 1871; that the utmost which can be claimed is that said act may be construed as recognizing as a debt of the city of New Orleans the till then utterly invalid and void assessments made against said city on its streets and public places, and that if said act did impliedly recognize and validate such previously invalid assessments against the city it provided that the same might be paid and discharged by the issuance in exchange for drainage warrants of the bonds mentioned in said act.

47 Respondent further shows that under said act bonds on the city of New Orleans of the face value of one million six hundred and sixty-five thousand dollars were issued to said Mississippi & Mexican Gulf Canal Company and its transferee, Warner Van Norden, in exchange and as payment for drainage warrants issued to said company or to said Van Norden.

That by the issuance and acceptance of said bonds in exchange and as payment for said warrants the city of New Orleans paid more than double the amount assessed against it; that by such overpayment the drainage fund became indebted to the city of New Orleans for at least the difference between the amount assessed against said city and the total sum paid.

Respondent further shows that it is wholly immaterial whether the assessments against the city of New Orleans were or were not marked on the rolls or elsewhere as paid when said bonds were issued in exchange for said drainage warrants; that in fact the issuance and acceptance of said bonds in exchange for said warrants did more than pay and discharge the indebtedness of the city on account of said drainage assessments, if any such indebtedness ever in fact existed.

Respondent further shows that it is not true that it has misapplied any money or sums whatever collected by it from the drainage assessments; that all money and sums, whether collected by it from said drainage assessments —, have been applied in the manner directed by law.

Respondent further shows that by the constitutional amendment of the State of Louisiana of the year 1874, which went into

48 effect on January 1, 1875, the city of New Orleans was prohibited from in any manner directly or indirectly increasing its indebtedness, and was also forbidden to issue any more drainage warrants except payable out of drainage taxes and not otherwise.

That said act No. 16 of 1876, which purported to authorize the city of New Orleans to buy on credit the drainage plant and imple-

ments, etc., of Van Norden, was null and void as in contravention of said constitutional amendment.

Respondent further shows that all the drainage warrants now outstanding were issued subsequent to January 1st, 1875, and are payable in terms, as well as under the law, solely out of drainage taxes.

Respondent further shows that after the constitutional amendment of 1874 the said city of New Orleans was without authority to render itself liable for drainage warrants issued subsequent to January 1, 1875, and could not, either with or without the sanction of the Legislature, enter into any contract which could directly or indirectly make the city liable for such warrants, either by direct assumption or by failure to carry out such contract.

Further answering, respondent shows that the said city of New Orleans has done all in its power to collect said drainage taxes, and that the amount now outstanding and uncollected was uncollectible; that — said uncollected taxes had been collected and paid to the holders of outstanding warrants there would have been nothing left to carry on the drainage work with, and that if said collec-
49 tions had on the other hand been applied to the continuance of the drainage works, then there could have been nothing to pay the outstanding warrants with; that plaintiff's complaint that respondent has not proceeded with the work is therefore unfounded, as respondent has not been provided with funds to continue said work; and, further, your respondent says that the right, title, and interest of said Van Norden as transferee of the said Miss. & Mexican Gulf Canal Co. was declared null and void and in fraud, as shown by the decree and judgment of the supreme court of Louisiana and reported in 33 Ann., p. 804; that the property pretended to have been conveyed and sold by said Van Norden vas seized and sold by creditors of said Co. in suits of Wallace and others, as your respondent will show.

Respondent further shows that it has strenuously endeavored to collect all the unpaid balances on said drainage assessment-rolls and has exhausted all the remedies open to it in the effort to collect; that the expenses of salaries to agents and book-keepers and other officials and other expenses in collecting said taxes were legitimate and proper expenses and were properly charged against the collections made.

Respondent finally shows that if through error of officials any portion of the collections made by it have been misapplied, which is denied, then such sum or sums are much more than compensated by the overpayments made by the city by overissue of its bonds, as hereinbefore stated, and that the result of an accounting will be to show that the drainage fund is largely in debt to the city of New Orleans.

And this respondent denies all and all manner of unlaw-
50 ful combination or confederacy wherewith it is by the said bill charged, without this, that there is any other matter, cause, or thing in the complainant's said bill of complaint contained material or necessary for this respondent to make answer unto, and not herein well and sufficiently answered, traversed, and avoided or

denied, *that* is true to the knowledge or belief of this defendant; all which matters and things this defendant is willing and ready to aver, maintain, and prove as the court shall direct, and respectfully prays to be hence dismissed with costs.

(Signed) W. H. ROGERS,
City Att'y, for Def't.
WHITE & SAUNDERS,
H. H. HALL,
For B'd Liquidation.

Replication. Filed March 19, 1888.

United States Circuit Court, Eastern District of Louisiana. In Equity.

JAMES WALLACE PEAKE
vs.
THE CITY OF NEW ORLEANS. } No. 11614.

This repliant, saving and reserving unto himself all and
51 all manner of advantage of exception to the manifold insufficiencies of said answer, for replication thereunto saith that he will aver and prove his said bill to be true, certain, and sufficient in law to be answered unto, and that the said answer of the defendant is uncertain, untrue, and insufficient to be replied unto by this repliant, without this, that any other matter or thing whatsoever in the said answer contained material or effectual in the law to be replied unto, confessed and avoided, traversed or denied, is true; all which matters and things this repliant is and will be ready to aver and prove as this honorable court shall direct, and humbly prays as in and by his said bill he hath already prayed.

(Signed) RICHARD DE GRAY &
ROBERT MOTT,
Solicitors for Complainant.

Motion and Order to Appoint O. B. Sansum Examiner. Entered and Filed 20 *March,* 1888.

JAMES WALLACE PEAKE
vs.
THE CITY OF NEW ORLEANS. } No. 11614.

On motion of Richard De Gray and Robert Mott, solicitors for complainant, and on suggesting to the court that the above
52 cause is now at issue, and that complainant desires to take evidence orally in accordance with the rule No. 67 of the equity rules of the U. S. Sup. Court—

It is ordered that O. B. Sansum, Esq., be, and he is hereby, appointed examiner herein to take the evidence in the above cause.
20 March, 1888.

(Signed) EDWARD C. BILLINGS, *Judge.*

Marshal's Return.

Received March 20, 1888, by the U. S. marshal, and on the 20 day of March, 1888, I served a true copy of the within motion on O. B. Sansum by handing the same to him in person.

(Signed) R. B. PLEASANTS,
U. S. Marshal.
J. M. BAKER, *Deputy.*

Intervening Bill of Complaint of James Jackson. Filed December 7, 1888.

JAMES W. PEAKE
vs.
THE CITY OF NEW ORLEANS. } No. 11614.

53 The intervening bill of complaint of James Jackson, a subject of the Queen of Great Britain, in the above-entitled suit of James W. Peake against The City of New Orleans, No. 11614 on the docket of this honorable court.

To the honorable the circuit court of the United States for the eastern district of Louisiana:

Your orator avers that he is an alien and a subject of the Queen of Great Britain.

That since the year 1879 he has been the holder and owner of eight drainage warrants issued by the city of New Orleans according to law and similar to those described in the bill of complaint of James W. Peake, the original plaintiff in this suit; that all said warrants are dated June 6, 1876, and are numbered from 322 to 329, both inclusive, and are each for the sum of $5,000, except No. 322, which is for the sum of $10,000, making in all an aggregate sum of $45,000.

That your orator, on 8 April, 1887, instituted suit on said warrants on the law side of this honorable court, and on December 3, 1887, recovered of the defendant, the said City of New Orleans, as provided by act No. 30 of 1871, as the successor of the drainage commissioners, established under acts No. 165 of 1858 and No. 191 of 1859, and the various acts amendatory thereof, the sum of forty-five thousand dollars ($45,000), with eight per cent. interest from June 6, 1876, and costs of suit; that your orator issued a writ of *fieri facias* on said judgment on 30 December, 1887, and the same was returned by the marshal on 8 March, 1888, No property found after due demand, all of which will appear by the record of said suit, numbered 11558 on the docket of this honorable court.

54 Your orator is similarly situated with the complainant, James W. Peake, and desires to unite with him in the prosecution of this suit and to avail himself of the invitation given by the said complainant to all holders of drainage warrants to come in

and aid him in conducting this suit and to participate in the burdens and in the results thereof.

Wherefore your orator files this intervening bill of complaint and unites with the complainant, James W. Peake, in all the averments contained in his bill of complaint filed herein, and accepts the situation of the case as it now stands, with the exhibits and evidence already taken by the complainant or offered by him as testimony in the cause, and submitting to be bound as far as said complainant is bound by the testimony already adduced by the defendant.

And your orator unites with complainant in his prayer for a decree, with the addition that your orator be paid the aforesaid sum of forty-five thousand dollars, with 8% interest from June 6, 1876, and costs of suit, and your orator also prays for such relief as the nature of his case may entitle him to.

(Signed) THOS. J. SEMMES,
Sol. for James Jackson.

Decree of Reference to Master. Entered and Filed December 21, 1888.

Circuit Court of the United States, Eastern District of Louisiana.

55 JAMES W. PEAKE
vs.
CITY OF NEW ORLEANS. } No. 11614.

The motion for a reference herein made by the complainant having by order of the court been set down for argument, and the same coming on to be heard, after the solicitors for both parties had been heard, the court took the same under advisement.

Whereupon, both judges concurring, it appearing to the court that in order to render a final decree in the cause, considering the nature of the cause and the voluminousness of the testimony, the aid of a master is necessary, it is ordered that there be a reference to O. B. Sansum, Esq., master, from the testimony already taken and from such other testimony as may be offered which in his opinion is necessary to settle and report whether any amount, and, if any, what amount, is due from the defendant to the "drainage fund," including any and all items of indebtedness and of payment, and to state such matters specially as he may think necessary or as either party may require.

(Signed) DON A. PARDEE,
Circuit Judge.
EDWARD C. BILLINGS,
District Judge.

New Orleans, Dec. 21, 1888.

56 Circuit Court of the United States, Eastern District of Louisiana.

JAMES W. PEAKE, Complainant,
vs.
THE CITY OF NEW ORLEANS, Defendants. } No. 11614.

Testimony Taken Before O. B. Sansum, Examiner.

57 UNITED STATES OF AMERICA,
Eastern District of Louisiana.

In the Circuit Court of the United States for the Eastern District of Louisiana. In Equity.

JAMES W. PEAKE, Complainant,
vs.
THE CITY OF NEW ORLEANS, Defendants. } No. 11614.

Be it remembered that heretofore, to wit, March 20th, 1888, the said circuit court of the eastern district of Louisiana made and entered of record a certain order of court in the words and figures as follows, to wit:

Circuit Court of the United States for the Eastern District of Louisiana.

JAMES WALLACE PEAKE
vs.
THE CITY OF NEW ORLEANS. } No. 11614.

"On motion of Richard De Gray and Robert Mott, solicitors for complainant, and on suggesting to the court that the above cause is now at issue, and that complainant desires to take evidence
58 orally in accordance with rule No. 67 of the equity rules of the Supreme Court, it is ordered that O. B. Sansum be, and he is hereby, appointed examiner herein to take the evidence in the above-entitled cause.

March 20th, 1888.

EDWARD C. BILLINGS, *Judge.*"

And, in pursuance of the said order of court, I, said O. B. Sansum, at the request of complainant, on the 2nd day of April, A. D. 1888, did give notice to the said defendants as follows, to wit:

EASTERN DISTRICT OF LOUISIANA, *ss:*

In the Circuit Court of the United States for the Eastern District of Louisiana. In Equity.

JAMES WALLACE PEAKE
vs.
CITY OF NEW ORLEANS, a Municipal Corporation, etc. } No. 11614.

The defendants and their attorneys will please take notice that on Thursday next, the fifth instant, at 3 o'clock in the afternoon, at the office of Richard De Gray, Esq., 120 Common street, in the building known as the Louisiana National Bank building, I will proceed to examine witnesses in the above-entitled cause, which witnesses are to be produced, sworn, and examined on the part of the com-
59 plainant, and you will please appear at the time and place above mentioned and take such part in the proceedings as you shall deem proper.

New Orleans, April 2nd, 1888.

O. B. SANSUM, *Examiner.*

EASTERN DISTRICT OF LOUISIANA, *ss:*

Ernest L. Sansum, being duly sworn, upon oath states that affiant served a copy of the within notice, on this second day of April, A. D. 1888, on Walter H. Rogers, the city attorney, by delivering into his hands the said copy.

E. L. SANSUM.

Subscribed and sworn before me this 2nd day of April, 1888.

O. B. SANSUM, *Examiner.*

Which said notice was served on Walter H. Rogers, city counsel—that is to say, the attorney of the said defendants—on the day and year last aforesaid, as appears by the affidavit duly made and subscribed and endorsed on said notice; and, in pursuance of the said order of court and of the notice aforesaid, I attended at the office of said Richard De Gray, 120 Common street, in the said city of New Orleans, at three o'clock in the afternoon of this the said fifth
60 day of April, A. D. 1888, to proceed with the examination of witnesses; and the said complainant being then and there represented by Richard De Gray, Esq., at his request I deferred proceedings, expecting the defendants to be represented by counsel; and, after waiting until fifteen minutes of four o'clock in said afternoon, and Walter H. Rogers, Esq., appearing for said defendants, I proceeded with taking of the evidence in said cause as follows, to wit: And thereupon the complainant offered in evidence a certain map, entitled "sketch of drawing section of New Orleans, showing present canals, with proposed protection levee and reservoir canals, May, 1872;" and the defendants objected to the pencil and written memo., which appear to be put in after the lithographing of the

map; and the complainant also offered specially all the printed and written notes appearing on the face of said map, together with all lines and coloring appearing on the face of said map; which said map is marked by the examiner "complainant's map 1," and is initialed by the examiner "O. B. Sansum, ex.," for identification.

And complainant then offered a certain other map, entitled "plan of proposed improvement for the lake-shore front of the city of New Orleans, showing locations of embankments, pumping machines, locks, harbors, rail and shell roads, and public grounds, April, 1873," which map appears upon its face as having been made by W. H. Bell, city surveyor.

61 And the complainant at the same time offered said map, with all its notes, delineations, and sketches as the same now appear upon the face of said map, which is marked "complainant's map 2," and is initialed by the examiner "O. B. S., ex.," for identification.

And thereupon the complainant offered in evidence certain acts of the Legislature of Louisiana as follows, to wit: Act No. 165, approved March 18th, 1858, and act No. 191, approved March 17th, 1859, and act No. 57, approved March 1st, 1861, and No. 30, promulgated in March, 1871; and the complainant offered in evidence ordinance No. 1359 of the city of New Orleans, administration series; also ordinance No. 1372, of the same series; also ordinance No. 1849, of the same series; and the complainant then offered in evidence resolution of board of commissioners first drainage district, dated New Orleans, September 12th, 1861, annexed to complainant's bill of complaint, marked assessment "1;" and also resolution of the commissioners second draining district, dated New Orleans, March 11th, 1861, filed with complainant's bill of complaint and marked assessment "2;" and also ordinance of the council of the city of New Orleans No. 1569, administration series, filed with complainant's bill of complaint and marked "assessment 3;" also ordinance of the council of the city of New Orleans No. 1877, administration series, filed with complainant's bill of complaint and marked "assessment 4," the said several ordinances and resolutions being initialed by the examiner with the letters "O. B. S., ex.," for identification.

62 And the complainant then offered in evidence copies of the proceedings in the courts of the State of Louisiana, parish of Orleans, decreeing first-mortgage lien and privilege in the first draining district, filed with complainant's bill of complaint and marked "Exhibit A;" also proceedings in the said courts of said State decreeing first-mortgage lien and privilege in that portion of the second draining district lying in the parish of Jefferson, in said State, filed with complainant's bill of complaint and marked "Exhibit B;" also proceedings in the same courts of said States decreeing first-mortgage lien and privilege in that portion of the second draining district lying in the parish of Orleans, filed with complainant's bill of complaint, marked "Exhibit C;" also proceedings in the same courts of said State decreeing first-mortgage lien and privilege in the third draining district, parish of Orleans, filed with complain-

ant's bill of complaint, marked "Exhibit D;" also proceedings in the same courts of said State decreeing first-mortgage lien and privilege in fourth draining district, parish of Orleans, filed with complainant's bill of complaint, marked "Exhibit E;" and also proceedings in the same courts of said State homologating the assessment-rolls in each of the draining districts aforesaid, all filed with complainant's bill of complaint and respectively marked A 1, B 1, C 1, D 1, E 1, together with extracts from the assessment-rolls in each of the aforesaid draining districts, except in the first draining district, the extract from the assessment-rolls in that district, attached to A 1,

63 not being offered by the complainant because they contain error, the original not being found at the time these extracts were made; but since that time the assessment-rolls for said first district as homologated by said courts have been found and extracts therefrom are now offered by the complainant, the same being contained in four sheets of paper, consisting of six pages of written matter, each being now marked by the examiner O. B. S., ex., April 5th, 1888.

And now, at five o'clock in the said afternoon of the 5th of April, 1888, at the request of the complainant's counsel, the further examination of witnesses in the said cause is adjourned to two o'clock in the afternoon of April 6th, 1888, at the said office of Richard De Gray, Esq., 120 Common street, in the said city of New Orleans.

And now, at two o'clock in the afternoon of the said sixth day of April, 1888, at the said office of Richard De Gray, Esq., 120 Common street, in the said city of New Orleans, the said complainant being represented by the said Richard De Gray, Esq., and Walter H. Rogers, Esq., appearing for the defendants, the proceedings hereinafter stated and set forth were had as follows, to wit:

64 Complainant offered the certificates of the recorders of mortgages of the parishes of Orleans and Jefferson, of the deposit of plans of lands to be drained according to the statute in such cases made and provided; also the proceedings reviewing judgements and other papers annexed to exhibits heretofore marked A 1, B 1, C 1, D 1, and E 1, heretofore offered in evidence, excepting the aforesaid erroneous extract of assessment-rolls, which were not offered and are not now included in the last offer.

Complainant also offered the petition, answers, exceptions, amendment to petition, judgement, execution, and marshal's return thereon, all in a suit (No. 10810) on the docket of said circuit court of the United States, wherein James W. Peake was plaintiff and The City of New Orleans defendant. Complainant states that the papers, judgement, and execution, with the said return thereon, are the basis of this suit, all being made part of the complainant's bill of complaint filed in this cause; also a certain paper marked "account No. 1," filed with said bill of complaint. The same is marked by the examiner O. B. S., ex., April 6th, 1888.

Complainant also offered ordinance No. 1574 of the city council, administration series; also ordinance No. 1615, of the same series also a certified copy of a certain contract made between James J O'Hara and the city of New Orleans, filed with the complainant's

bill of complaint, which is initialed for identification O. B. S., ex., April 6th, 1888; also a certain paper showing a compromise between the said city of New Orleans and the said James J. O'Hara, filed with complainant's bill of complaint, and for identification is initialed by the examiner O. B. S., ex.,
65 April 6th, 1888; also ordinance No. 2467 of the council of the city of New Orleans, administration series, marked O. B. S., ex., April 6th, 1888; also ordinance No. 2573 of the council of the city of New Orleans, administration series, and particularly is offered a certain item in said ordinance showing payment of $500 for coal to H. & C. Tyler & Co., payment being made from drainage taxes, as appears by the books and records of the city of New Orleans kept in the city hall at New Orleans; said ordinance is marked by the examiner O. B. S., ex., April 6th, 1888; also a certain account, being account of attorneys' fees collected by the city of New Orleans from property-owners (drainage-tax payers) in the third drainage district, said account being filed with complainant's bill of complaint, and is marked by the examiner O. B. S., ex., April 6th, 1888; also a certain other account of attorneys' fees collected by the city of New Orleans from property-owners (drainage-tax payers) in the first drainage district, said account being marked by the examiner O. B. S., ex., April 6th, 1888.

Complainant also offered statement taken from the ledger of the department of finance of the city of New Orleans from the year 1871 (June), to November, 1877, inclusive; the paper is marked by the examiner O. B. S., ex., April 6th, 1888; also a certain statement or account copied from the defendant's records filed with the complainant's bill of complaint, endorsed account No. 3, showing
66 the amount of drainage taxes paid in by drainage warrants to the said city of New Orleans, which is marked by the examiner O. B. S., ex., April 6th, 1888.

Also statement copied from defendants' records, showing money paid by the defendants to W. T. Mayo from drainage funds from July 1st, 1876, to June 30th, 1881, $12,000.00; the paper is marked by the examiner O. B. S., ex., April 6th, 1888.

Complainant also offered the deposition of W. Van Norden, taken in the city of New Orleans February 15th, 1887, before Daniel Seymour, notary public, now on file in above-mentioned cause No. 10810 in this court; also act of the Legislature of Louisanaa, No. 73 of the year 1872; also act No. 16 of the said Legislature, approved February 24th, 1876; also ordinance of the council of the city of New Orleans No. 3479, administration series, which is marked by the examiner O. B. S., ex., April 6th, 1888; also copy of inventory of the property and effects of the Mississippi and Mexican Gulf Ship Canal Co., filed with the complainant's bill of complaint, marked "inventory 1," and marked by the examiner O. B. S., ex., April 6th, 1888; also ordinance No. 3539 of the council of the city of New Orleans, administration series, marked by the examiner O. B. S., ex., April 6th, 1888; also bill of sale and transfer by the Mississippi and Mexican Gulf Ship Canal Co., and W. Van Norden, transferee, to the city of New Orleans, filed with complainant's bill of complaint

and marked "transfer 1;" also marked by the examiner O.
67 B. S., ex., April 6th, 1888. And it being now four o'clock in the afternoon of the date last aforesaid, and at the request of the complainant, the examination of witnesses was adjourned to two o'clock to-morrow afternoon, the seventh day of April, 1888, at the same office of Richard De Gray, Esq., 120 Common street, in the said city of New Orleans.

And now, on the seventh day of April, 1888, at two o'clock in the afternoon, at the said office of Richard De Gray, Esq., 120 Common street, in the said city of New Orleans, the said complainant being represented by Richard De Gray, Esq., and the defendant being represented by Walter H. Rogers, Esq., the proceedings hereinafter stated & set forth were had as follows, to wit:

And complainant offered certified copy of recording the mortgage lien and privilege in first draining district; also certified copy of the judgment homologating assessment-rolls in first draining district, said papers being marked by the examiner O. B. S., ex., April 7th, 1888; also certified copy of recording the judgment lien and privilege in the second draining district, parish of Orleans, marked by the examiner O. B. S., ex., April 7th, 1888; also copy of recordation of judgement of homologation of assessment-rolls in second draining district, parish of Orleans, marked by the examiner O. B. S., ex., April 7th, 1888; also certified copy of recording the judgement, lien, and privilege in the second draining district, parish of Jefferson; also certified copy of recording judgement of homologation of the assessment-rolls in the second draining district,
68 parish of Jefferson, together with the reinscription of the said judgement; also certified copy of judgement of mortgage lien and privilege in the third draining district, parish of Orleans, the said papers being respectively marked by the examiner O. B. S., ex., April 7th, 1888; also certified copy of the recordation of judgement of first-mortgage lien and privilege in third draining district, marked by the examiner O. B. S., ex., April 7th, 1888; also recordation of judgement of homologation of assessment-rolls of the third draining district, parish of Orleans, marked by the examiner O. B. S., ex., April 7th, 1888; also certified copy of the recordation of judgement, lien, and privilege in fourth draining district, parish of Orleans, marked by the examiner O. B. S., ex., April 7th, 1888; also certified copy of the reinscription of the last aforesaid judgement, marked by the examiner O. B. S., ex., April 7th, 1888; also certified copy of the judgement homologating assessment-rolls in the fourth draining district and the recordation thereof, marked by the examiner O. B. S., ex., April 7th, 1888; also a second recordation of the last judgement, marked by the examiner O. B. S., ex., April 7th, 1888.

And to the papers, documents, and judgements aforesaid the defendants object on the ground that the same are admissible to prove *rem ipsam* only, and to so much of the documents as refer to the fourth draining district the defendants further object because the said assessments and the ordinance creating said fourth
69 draining district have been declared by the supreme court of the State of Louisiana null and void. It is here admitted by

the defendants and complainant that W. H. Bell, late surveyor of the city of New Orleans, is dead, and that he was examined as a witness in the cause entitled Henrietta Davidson *et al. vs.* The City of New Orleans (No. 1306), of the civil district court, parish of Orleans; and thereupon the complainant offered in evidence a copy of the testimony of said Bell given in said last-named cause, marked O. B. S., ex., April 7th, 1888; to which the defendants objected on the ground that the evidence is not admissible under the issue made in this cause. And the complainant also offered in evidence a copy — the testimony of Joseph Collins, given in the cause of Davidson *vs.* New Orleans (case No. 8260), and the said copy is marked by the examiner O. B. S., ex., April 7th, 1888.

And then and there, by agreement of both parties, the further examination of witnesses is adjourned to two o'clock in the afternoon of Wednesday next, the eleventh instant, at the office of Richard De Gray, Esq., 120 Common street, in the said city of New Orleans.

And in pursuance thereof, on the eleventh day of April, 1888, at three o'clock in the afternoon, at the office of Richard De Gray, Esq., 120 Common street, in the city New Orleans, the complainant being represented by said Richard De Gray, Esq., and the defendants being represented by Harry H. Hall, Esq., and by Mess. White and Saunders as counsel, associated with Walter H. Rogers,
70 Esq., the proceedings hereinafter stated and set forth were had in said cause as follows, to wit:

Complainant offered a certified statement by L. Lorouque, clerk, of the entire assessments of drainage taxes of the drainage districts of the parishes of Orleans and Jefferson, which is marked by the examiner O. B. S., ex., April 11th, 1888; also statement of drainage taxes collected in the said drainage districts from June, 1871, to December, 1881 (both inclusive), with recapitulation certified by W. T. Mayo, book-keeper, April 4th, 1888, marked by the examiner O. B. S., ex., April 11th, 1888; also statement of drainage assessments, interests, sheriff's costs collected in the first, second, third, and fourth drainage districts from July, 1876, to December 31st, 1887, in warrants and currency, marked by the examiner O. B. S., ex., April 11th, 1888; also the last thirteen pages of a certain paper book marked by the examiner O. B. S., ex., April 11th, 1888; also the contents of four other paper books, all being statements of drainage taxes unpaid to June, 1885, marked respectively, O. B. S., ex., April 11th, 1888; also a certain paper showing in detail the amount of drainage taxes assessed in the aforesaid four drainage districts against the city of New Orleans, certified as a correct transcript from the drainage books by Wm. T. Mayo, New Orleans, May 26th, 1881, marked by the examiner O. B. S., ex., April 11th, 1888; also ordinance of the council of the city of New Orleans No. 4483, administration series; also proposals of the city of New Orleans to sell and dispose of seven cer-
71 tain dredge-boats, dated April 11th, 1878, marked by the examiner O. B. S., ex., April 11th, 1888; also ordinance No. 6741 of the council of the city of N. O., A. S., adopted by the council Dec. 14, '80, marked by the examiner O. B. S., ex., April 11, '88;

also report of D. M. Brosman, surveyor of the city of New Orleans, to John Fitzpatrick, administrator of improvements of said city, dated December 26th, 1880, marked by the examiner O. B. S., ex., April 11th, 1888; also ordinance of the council of the city of New Orleans, No. 6038, administration series, adopted July 1st, 1879, marked by the examiner O. B. S., ex., April 11th, 1888; also ordinance of the council of the city of New Orleans, administration series, No. 6396, adopted March 16th, 1880, marked by the examiner O. B. S., April 11th, 1888; also ordinance of the council of the city of New Orleans, administration series, No. 6970, adopted April 5th, 1881, marked by the examiner O. B. S., ex., April 11th, 1888; also proclamation issued under the said ordinance, April 6th, 1881, marked by the examiner O. B. S., ex., April 11th, 1888.

And on the said eleventh day of April, 1888, at the said office of said Richard De Gray, Esq., the complainant offered D. M. BROSMAN as a witness, and the said witness was then and there duly sworn by the examiner in said cause to tell the truth, the whole truth, and nothing but the truth, and thereupon the said witness testified as follows, to wit:

My name is Daniel M. Brosman. I am about thirty-nine years old. I reside at 229 Eighth street, in the city of New Orleans.

72 My official position is now surveyor of the city of New Orleans. I have resided in the city of New Orleans principally since the year 1866. I am familiar with the drainage canals and the protection levees in the city of New Orleans. Since June, 1876, no canals and no protection levees have been newly built or made, excepting the levee at Carrollton, on the river front; also one new levee on the river front in the third district and several new levees in Algiers, on the river front. Again, the upper protection levee from the Mississippi river on Upper Line street back to the large levee, built by digging a canal, was increased about three times its original size.

No levees or canals have been dug or built since June, 1876, under the plan designed by W. H. Bell, late surveyor of the city of New Orleans, so far as I know.

I went into my present office in the month of December, 1880.

I am familiar with the records of my office, and they do not show that any new levees or canals were built or made since June, 1876.

The levees built at Carrollton and in the third district and in Algiers form no part of the system of drainage designs in the map made by the late Mr. Bell, but they were exclusively built to protect the property from overflow from the river.

If the late Mr. Bell's system of drainage was adopted—which I do not know—none other has been adopted by the city of New Orleans since June, 1876.

73 (Complainant's map, marked "complainant's map 1," O. B. S., ex., April 5th, 1888, shown to the witness, and having examined it he says:) "This map shows substantially the location of the canals and levees in the draining districts as they are at present,

and the map shows how much of the drainage system was carried out. I projected a canal through the low grounds of the sixth district of the city, which is in the second draining district of this map. It commences at Upper Line street, along the continuation of Prytania street to the upper city park, about half a mile long. This canal or draining ditch has been built. Its waters are carried into the lake through the canal by Nashville avenue, which was specially deepened for that purpose. The canal spoken of was projected about fifteen feet wide and five feet deep, but it was made only four feet wide and three feet deep. Want of money was the cause of changing the plan or dimensions. It was made by hand. The canal on Nashville avenue was increased on an average of four feet in width, making it eight and a half to nine feet wide, and deepened about three feet. The canal on Nashville avenue was enlarged about a distance of two thousand feet. That is the only new work that has been done. Toulouse canal has been enlarged a little. This canal was a part of the Bell system. It was enlarged and cleaned by the city for a distance of about nine hundred feet in length; the increase in width was from ten to twelve feet. That was done in 1881 or in 1882; the other work spoken of was done in 1886.

Cross-examination by HARRY H. HALL, Esq., for defendants:

74 The purpose of the canal spoken of as running into Nashville-avenue canal was to drain a part of the city which I think was never drained before. That drain was necessary and it ought to be contracted according to the dimensions projected by me, if not larger.

Redirect examination:

None of the dredge-boats were used in the work mentioned. They had been sunk and were not fit to be used.

D. M. BROSMAN.

Subscribed and sworn before me at the time and place aforesaid.

O. B. SANSUM, *Ex.*

And now, at five o'clock in the afternoon of said eleventh day of April, 1888, by agreement of both parties, the taking of further evidence in this cause is adjourned to the twelfth day of April, 1888, at three o'clock in the afternoon, at the office of Richard De Gray, Esq., 120 Common street, in the city of New Orleans.

And in pursuance thereof, on this twelfth day of April, 1888, at three o'clock in the afternoon, at the said office of Richard De Gray, Esq., 120 Common street, in the city of New Orleans, the complainant being represented by the said Richard De Gray, Esq., and the defendants being represented by Messrs. White and Saunders, the proceedings hereinafter stated and set forth were had in said cause as follows, to wit:

And then and there the complainant produced SAMUEL D. MOODY, a witness in their behalf, and the said witness was then and there sworn to tell the truth, the whole truth, and nothing but the
75 truth, and the said witness testified as follows, to wit:

My name is Samuel D. Moody; I am forty-eight years old; I live in Harrison county, Mississippi, but I do business in New Orleans, 120 Carondelet street, and my business is a money broker.

I was general superintendent of the Mississippi and Mexican Gulf Ship Canal Company during the years 1872, 1873, 1874, 1875, and 1876. I continued in that position until June 6th, 1876, at which time the dredge-boats were sold by that company and by W. Van Norden, transferee, to the city of New Orleans. I was familiar with all the draining work that was done by that company and by the transferee.

(Complainant's map 1, O. B. S., ex., April 5th, 1888, is here shown to the witness, and being asked whether he recognizes the said map he states): "I recognize this as the map of the draining sections of New Orleans.

The blue lines on the map represent canals that were deepened and widened while I was the superintendent. The red lines on the map represent new canals excavated. The yellow lines on the map represent the embankment road and levees built during the same period of time.

The protection levee on the lake front at West End was one hundred and twenty feet wide at the base, and at the highest point was fourteen feet six inches high. This levee was built from the new basin to the upper protection levee, and from the last-named
76 point the upper protection levee was built to within a few squares of the river at Carrollton. The base of the upper protection levee was eighty-two feet and the height was eight feet five inches. The draining canal inside the upper protection levee was sixty-five feet wide. The lower protection levee was built from Lake Pontchartrain to Florida Walk; then it turned into Florida Walk about one-third of a mile. Inside the lower protection levee there was a canal similar to that which was inside the upper protection levee. All the canals that were deepened, widened, and new ones excavated, as shown on the map referred to, are now in use in draining the city of New Orleans. I know of no other canal or protection levees built since that time.

The coloring on the map—blue, red, and yellow colors—shows correctly the condition or extent of the work done by the company and its transferee, except the yellow lines along the New Orleans canal, which indicates an embankment or road which was not built by the company or its transferee, and this was the condition of the work at the date of the transfer, in June, 1876.

Of all the work designed for the draining about two-thirds was completed at the date of the transfer.

As superintendent I had charge of all the dredge-boats, machinery, tools, and appliances needed in the work of draining. There were seven dredge-boats, four derricks, one steam-tug, and

duplicate pieces of machinery for each dredge-boat. The dredge-boats and derricks were in good condition at the date of the sale.

We kept the dredge-boats up like new boats all the time.

77 Whenever any of the machinery got out of order or was broken we had others of the same kind always kept on hand to replace these that were broken. If the dredge-boats and machinery had received the care we gave to them they would have lasted a very long time. Giving them proper care, the boats would have lasted ten years, in my judgment.

The dredging that was done by these dredge-boats while I was superintendent was through cypress swamps, which is very difficult, because very large stumps have to be taken out, and they are close together with large roots.

Cross-examination by Mr. Saunders is waived.

Re-examination:

The derricks were used to receive the dirt from the dippers of the dredges and to put it farther away than the dippers could carry it.

S. D. MOODY.

Subscribed and sworn before me this twelfth day of April, 1888.

O. B. SANSUM, *Examiner.*

And afterwards, on the said twelfth day of April, 1888, the complainant then offered the said map 1 in connection with the evidence of the said witness, Samuel D. Moody; and the complainant then offered documentary evidence hereinafter stated as follows, to wit:

The opinion and judgement of the supreme court of Louisiana in a cause entitled "In the matter of the commissioners of

78 the first draining district, praying for the homologation of the assessment-rolls," etc., being cause No. 4338, reported in the 27th volume, Louisiana Annual Reports, beginning at page 20 and ending at page 24 of said volume; also the opinion and decree of the Supreme Court of the United States in a cause entitled Davidson *vs.* New Orleans, reported in the 96th volume of the United States Reports, beginning on page 97 and ending on page 108 of said volume.

Both parties now agree that the opinion and decree as reported in said several causes above mentioned shall be taken as evidence for both parties in any and all courts to which this cause may be taken.

Complainant also offered a copy of the opposition of Mrs. Rey, filed in seventh district court for the parish of Orleans, January 26th, 1872, which is identified by the examiner by his initials O. B. S., ex., April 12th, 1888; also extracts from assessment-rolls of the first draining district of assessments made in the name of John Davidson, marked by the examiner O. B. S., ex., April 12th, 1888; also copy of the petition, the alternative writ of mandamus issued on the said petition, the answer thereto, the supplemental petition, the testimony of W. Van Norden, James Guthrie; the mayor's state-

ment of drainage taxes, filed in the cause February 11th, 1875; the judgement of the lower court, rendered therein February 16th, 1875; motion for a suspensive appeal by the defendants in that cause, filed February 27th, 1875; motion for appeal by the city of New
79 Orleans, with the affidavits of Charles J. Leeds, mayor, etc., attached, filed February 27th, 1875, marked by the examiner O. B. S., ex., April 12th, 1888; also the opinion and decree of the supreme court of Louisiana in a cause entitled State of Louisiana *ex rel.* Warner Van Norden *vs.* The Mayor and Administration of the City of New Orleans, being cause No. 5735, the opinion and judgement of said court being reported in volume 27, Louisiana Annual Reports, beginning at page 497 and ending at page 501; and the defendants object to the evidence of said Van Norden and Guthrie on the ground that the same is irrelevant and not material to the issues made in this cause.

And the complainant also offered the opinion and decree of the supreme court of Louisana in a cause entitled Henrietta Davidson, ex., *et al. vs.* City of New Orleans, John Crossly and Sons, intervenors, reported in the 34th volume of Louisiana Annual Reports, being cause No. 8260, beginning on page 170 and ending on page 178 of said volume.

And it being five o'clock in the afternoon of said twelfth day of April, 1888, by agreement of both parties the taking of further evidence in said cause is adjourned to three o'clock to-morrow afternoon, at the office of said Richard De Gray, Esq., 120 Common street, in the city of New Orleans.

And now, at three o'clock in the afternoon of the said thirteenth day of April, 1888, at the office of Richard De Gray, Esq., 120 Common street, in the city of New Orleans, the complainant being represented by said Richard De Gray, Esq., and the defendants
80 being represented by Messrs. White and Saunders, the proceedings hereinafter stated and set forth were had in said cause as follows, to wit:

And the complainant offered the notice of the Mississippi and Mexican Gulf Ship Canal Company, dated New Orleans, March 14th, 1871, to the council of the city of New Orleans, signed by James O. Noyes, president of said company, marked by the examiner O. B. S., ex., April 13th, 1888; also certain extracts from the proceedings of the council of the city of New Orleans of April 4th, 1871, marked by the examiner O. B. S., ex., April 13th, 1888, to which the defendants object on the ground that it is not admissible under the issues made in this cause; also copy of the report of the city surveyor of the city of New Orleans, dated March 23rd, 1871, marked by the examiner O. B. S., ex., April 13th, 1888, to which the defendants object on the ground that it is irrelevant; also ordinance No. 814, administration series, adopted April 21st, 1871, marked by the examiner O. B. S., ex., April 13th, 1888, to which the defendants object on the ground that it is irrelevant; also the testimony of J. O. Noyes, given January 15th, 1872, in a certain cause No. 9189 of the seventh district court, parish of Orleans, marked by the examiner O. B. S., ex., April 13th, 1888, to which the defendants object on the

ground that it is not competent to show by parol an acceptance by the Mississippi and Mexican Gulf Ship Canal Company of the ordinance mentioned, and that a parol acceptance thereof would
81 be *nil* because it conflicts with the charter of said company; also ordinance No. 820, administration series, adopted May 2nd, 1871, marked by the examiner O. B. S., ex., April 13th, 1888, to which defendants object on the ground that it is irrelevant; also ordinance No. 954, administration series, adopted June 28th, 1871, marked by the examiner O. B. S., ex., April 13th, 1888; also extracts from proceedings of the council of the city of New Orleans of July 18th, 1871, adopting report of John Cockrum, administrator of improvements and member of drainage committee, marked by the examiner O. B. S., ex., April 13th, 1888; also ordinance No. 954, administration series, adopted July 5th, 1871, marked by the examiner O. B. S., ex., April 13th, 1888; also ordinance No. 1252, administration series, adopted December 12th, 1871, marked by the examiner O. B. S., ex., April 13th, 1888; also ordinance No. 1362, administration series, adopted February 10th, 1872, marked by the examiner O. B. S., ex., April 13th, 1888; also ordinance No. 1374, administration series, adopted February 20th, 1872, marked by the examiner O. B. S., ex., April 13th, 1888; also ordinance No. 1504, administration series, adopted May 7th, 1872, marked by the examiner O. B. S., ex., April 13th, 1888; also ordinance No. 1507, administration series, adopted April 30th, 1872, marked by the examiner O. B. S., ex., April 13th, 1888; also ordinance No. 1563, administration series, adopted June 11th, 1872, marked by the examiner O. B. S., ex., April 13th, 1888; also ordinance No. 2678, administration series, adopted July 8th, 1874, marked by the
82 examiner O. B. S., ex., April 13th, 1888; also ordinance No. 2640, administration series, adopted June 10th, 1874, marked by the examiner O. B. S., ex., April 13th, 1888; also copies of certain extracts of certain acts of sale of certain lands sold by the persons named in said acts to the city of New Orleans, the said acts of sale being thirteen in number and being lands requisite and expropriated for the digging, deepening, and widening of the Orleans-street draining canal, etc., the said several copies being respectively marked by the examiner O. B. S., ex., April 13th, 1888.

Also copies of certain other extracts of certain acts of sale of certain other lands sold by the persons named in said acts of sale, being eleven in number and being lands requisite and expropriated for the digging, deepening, and widening the Poydras-street draining canal, the said several copies being respectively marked by the examiner O. B. S., ex., April 13th, 1888; to all of said copies the defendants object on the ground that they and each of them are irrelevant.

And now, at five o'clock in the afternoon of the said thirteenth day of April, 1888, by consent of both parties, the further taking of testimony in this cause is adjourned to ten o'clock to-morrow morning, at the office of said Richard De Gray, Esq., 120 Common street, in the city of New Orleans.

And now, in pursuance of said adjournment to ten o'clock in the

forenoon of the said fourteenth day of April, 1888, at the
83 office of said Richard De Gray, Esq., 120 Common street, in the city of New Orleans, the complainant being represented by said Richard De Gray, Esq., and the defendants being represented by Messrs. White and Saunders, the proceedings hereinafter stated and set forth were had in said cause as follows, to wit:

The complainant offered in evidence a copy of the deposition of Warner Van Norden given in a certain cause lately pending in the circuit court of the United States for the eastern district of Louisiana, wherein The United States *ex rel.* James W. Peake was plaintiff and The City of New Orleans were defendants, given before Nelson K. McHarg, commissioner, on the 13th and 14th days of February, 1888, marked by the examiner O. B. S., ex., April 14th, 1888; complainant also offered in connection with that deposition certain exhibits, A and B, thereto attached; also petition of appeal of the city of New Orleans, filed October 3rd, 1863, in the third district court, parish of Orleans, suit No. 17028, entitled "In the matter of the commissioners of the first draining district, praying for the homologation of the assessment-rolls, together with the order of appeal granted thereon and the citation of appeal issued therein, with the sheriff's return on said citation, all of said papers being respectively marked by the examiner O. S. B., ex., April 14th, 1888; also statement of work done in the several draining districts by the Mississippi and Mexican Gulf Ship Canal Company, as per bill book on file in the office of the surveyor of the city of New Orleans, said
statement being furnished by the city of New Orleans under
84 a *subpœna duces tecum* in suit No. 10810, already mentioned, copy of said statement being marked by the examiner O. S. B., ex., April 14th, 1888.

And then and there the further examination of witnesses and taking of testimony by agreement of both parties was adjourned to the city hall, in the said city of New Orleans.

And at the said city hall, in the said city of New Orleans, the complainant produced JOHN L. NEWMAN, a witness on the part of the complainant, who was then and there sworn to tell the truth, the whole truth, and nothing but the truth, and the said witness then and there testified as follows, to wit:

My name is John L. Newman; I am thirty-five years old; I reside at 285 Elysian Fields street, in New Orleans; I am chief clerk in the controller's office of said city.

The books of the controller's office show that a payment of three thousand dollars to J. J. O'Hara, made January 17th, 1874, was payment from the draining fund under ordinance No. 2467, adopted January 6th, 1874. By draining fund I mean the money collected from drainage taxes.

I have examined ordinance 2573, administration series, adopted April 21st, 1874, and I find an item in that ordinance of five hundred dollars to H. & C. Tyler & Co.

I have also examined the ledger containing the account of the draining fund, and I find that the five hundred dollars to H. & C.

Tyler is charged against the draining fund on July 31st, 1874.
85 I have examined that drainage account. I find it closed, and the balance then at the credit of that account was transferred to the credit of the Mississippi and Mexican Gulf Ship Canal Co. I do not find that the account ever received any corresponding credit for the payment of the five hundred dollars mentioned.

I have examined the account in the ledger of the drainage fund up to July 27th, 1872. The drainage taxes were deposited in the Louisiana Savings Bank; on the 27th of July, 1872, the last deposit for that fund was made in the bank last mentioned; the next deposit for that fund was made in the Louisiana National Bank on January 9th, 1873. Between the dates named, July 27th, 1872, and January 9th, 1873, I find no deposits were made in any bank to the credit of the drainage account; at least the books show none. I have examined the account for the purpose of ascertaining whether drainage taxes were received by the city between the dates named, July 27th, 1872, and January 9th, 1873, and I find that drainage taxes were received from day to day in the first, second, and third draining districts, but I do not find any were received in the fourth draining district within that time. From the first district the books show three thousand four hundred and twenty-two dollars; from the second district the books show one thousand five hundred and fifty-five dollars and eighteen cents; from third district the books show one thousand nine hundred fifty-three dollars and thirty-five cents. I find nothing in the books to show that any part of the sums mentioned were deposited to the credit of the drainage
86 fund. I desire to correct my statement as to the amount of drainage taxes mentioned. First district is $3,398.85; second district is $1,939.95, and the third district is $1,546.03.

JNO. L. NEWMAN.

Subscribed and sworn before me this fourteenth day of April, 1888.

O. B. SANSUM, *Examiner.*

And then and there, at the said city hall, the complainant produced ERNEST JAUNET as a witness on the part of the complainant, and the said witness — then and there sworn to tell the truth, the whole truth, and nothing but the truth, and he testified as follows, to wit:

My name is Ernest Jaunet; I am thirty-nine years old; I am bookkeeper in the controller's office of the city of New Orleans; I reside 70 Desire street, in the city of New Orleans.

I have examined the account marked account No. 1, which appears to have been filed in this cause by the clerk of the court on August 10th, 1887; I have examined the statements set forth on that account, and I have compared them with account of the same in "ledger" C, page 100, controller's department, formerly the department of public accounts, and I find that the items set forth in this account are a correct copy of what is stated in the ledger account above mentioned; the paper is also marked O. B. S., ex., April 6th, 1888.

I have also examined the paper marked account No. 3, which appears to have been filed in this cause by the clerk of the court August 10th, 1887; it is also marked O. B. S., ex., April 6th, 1888.

87 I have examined the reports of the city of New Orleans, department of public accounts, and of the controller of the city for the years 1874, 1875, 1876, 1877, 1878, 1879, 1880, and to June 30th, 1881. I find that the statements set forth in the paper mentioned *is* correct transcript of what is set forth in the reports named, and the paper shows correctly the amount of drainage taxes received by the city of New Orleans in drainage warrants during the time mentioned according to the report.

I have examined ledgers C & D of the city of New Orleans for the purpose of ascertaining what money was collected by the city of New Orleans for attorney's fees for the third drainage district. I have also compared the statements set forth in the paper shown me marked "account 2," which appears to have been filed in this cause. It is also marked O. B. S., ex. April 6th, 1888, and I find the statements set forth in this paper are correct according to the ledgers C & D.

E. JAUNET.

Subscribed and sworn before me, at the city hall, the 14th day of April, 1888.

O. B. SANSUM, *Examiner.*

And then and there, by agreement of both parties, the further taking of testimony in said cause was adjourned to the said office of Richard De Gray, and there, at the said office of said Richard De Gray, 120 Common street, in the city of New Orleans, the proceedings hereinafter stated were had in said cause.

88 And, having met on the day and year aforesaid at the office of said Richard De Gray, Esq., 120 Common street, in the city of New Orleans, both parties being represented by counsel as aforesaid, the complainant offered in evidence in behalf of Mary J. Mitchell, executrix, etc., intervening complainant, the last will and testament of Richard D. Mitchell, deceased, five drainage warrants—

1st. For one thousand dollars, No. 111, dated June 11th, 1875.

2nd. For one thousand dollars, No. 160, dated September 2nd, 1875.

3rd. For two thousand dollars, No. 246, dated January 7th, 1876.

4th. For two thousand dollars, No. 247, dated January 7th, 1876.

5th. For two thousand dollars, No. 248, dated January 7th, 1876.

All said warrants being now on file in the circuit court of the United States for the eastern district of Louisiana in a cause wherein Mary J. Mitchell, executrix, is plaintiff, and The City of New Orleans are defendants, the cause being No. 11551.

And then and there, by agreement of both parties, the taking of further testimony in this cause is adjourned to three o'clock in the afternoon of next Wednesday, the eighteenth day of April, 1888, at

the office of Richard De Gray, Esq., 120 Common street, in the city of New Orleans.

And now, at three o'clock in the afternoon of the said eighteenth day of April, 1888, at the office of Richard De Gray, Esq., 120 Common street, in the city of New Orleans, the complainant being represented by Richard De Gray, Esq., and the defendants being represented by Harry H. Hall, Esq., the proceedings hereinafter stated and set forth were had in said cause as follows, to wit:

89 Complainant offered in evidence certain acts of Legislature of the State of Louisiana, namely, act No. 48 of 1877; also act No. 67 of 1877; also sec. 42 of act No. 20 of 1882; also sec. 34 of act No. 7, approved March 16th, 1870; also sec. 5 of act No. 7, approved March 21st, 1874; also act No. 73 of sessions of 1872.

And thereupon, by agreement of both parties, the taking of further testimony in this cause is adjourned to three o'clock in the afternoon of Monday next, April 23rd, 1888, at the office of Richard De Gray, Esq., 120 Common street, in the city of New Orleans.

And now, at three o'clock in the afternoon of the said twenty-third day of April, 1888, at the office of the said Richard De Gray, Esq., 120 Common street, in the city of New Orleans, the complainant being represented by the said Richard De Gray and the defendants being represented by Harry H. Hall, Esq., the proceedings hereinafter stated were had in said cause as follows, to wit:

And the complainant then and there produced LOUIS LA ROGUE, as a witness in his behalf, and the said witness was then and there sworn by the examiner as a witness in said cause and cautioned to tell the truth, the whole truth, and nothing but the truth, and then — there the said witness testified as follows, to wit:

My name is Louis La Rogue. I am fifty-three years old. I live in the city of New Orleans, 164 Kerlerec street, corner of Robertson street. My business is clerk. In December, 1868, I was appointed secretary of the first draining district by the board of commissioners of that district, and in that capacity I had charge of collec-

90 tions of the drainage assessments for that district. I continued in that capacity until the city of New Orleans became the succession of the drainage commissioners in all the draining districts—as I understand it, of the first, second, and third draining districts. There was the fourth draining district subsequently created, but I do not remember how that was created. The city of New Orleans became the successors of the draining commissioners under act (No. 30) thirty of the year 1871; then I was appointed assistant of Mr. Mayo, and assisted in collecting the drainage taxes in all the draining districts. I continued in that business until June, 1876. In June, 1876, Mr. James B. Guthrie became the collector of the drainage taxes in all the draining districts and he has continued in that official position until the present time. From the time Mr. Guthrie became the collector of the drainage taxes I have been his clerk or assistant in that business and remain so to the present time. From the time I became assistant, as I have mentioned, and to the present time I am very familiar and well ac-

quainted with the assessment-rolls for the drainage taxes in all the draining districts.

In the course of collecting drainage taxes — any person against whom drainage taxes had been assessed came to make payment the usual practice was to give a receipt for the amount of the tax and at the same time to mark the tax paid on the roll. So far as the assessments against the city of New Orleans for drainage taxes are concerned no receipt for any payments thereof by the city have been given, as far as I know, and no entries upon
91 the assessment-rolls indicating such payments have been made, and the assessment-rolls remain in the same condition now as they were when the assessment-rolls were homologated by the judgement of the court, except a few squares of land in the first draining district, which were sold by the city, and the drainage taxes were paid by the purchasers. These taxes paid by the purchasers amount to between twelve hundred and fourteen hundred dollars; in all other respects the assessment-rolls as against the city are in the same condition as when they were first homologated.

Cross-examination by Mr. HALL:

The assessments against the city for taxes against the streets are stated on the rolls in each district in one entry in some districts and in two entries in some other districts; in nearly all the districts the taxes for the streets are put down in one entry. In these entries are embraced the aggregate superficial feet of all the streets of the districts and the amount of the tax. Whenever a debtor of a drainage tax made a payment on account of the tax an entry was made corresponding with each payment. The money was always paid to Mr. Mayo. No entry was made on the book indicating the payment of drainage taxes unless the money was paid or a drainage warrant was delivered in place of the money to us in the office. The books were kept and the entries were made on them solely for the purpose of showing the drainage taxes actually paid into that office, either in money or in drainage warrants. We kept no account of anything paid elsewhere.

92 Re-examination:

There was a department in the city hall known as the bureau of drainage, which was a part of the office of the administrator of public accounts, now known as the city controller. All payments of drainage taxes made to Mr. Mayo or myself were entered upon the books. I know of no payments of drainage taxes made to any person but Mr. Mayo or myself that were not entered upon the rolls. All payments so made were entered upon the rolls. Mr. Mayo was the person who kept the account and made all entries upon the rolls; that was his business exclusively. (The defendants here admit and require no proof of the fact that Mr. Mayo, the person referred to, by the witness is now a very old man, and that he cannot now make any clear or intelligent statement as to the matters referred to in the witness's testimony.)

L. LAROGUE.

Subscribed and sworn before me this twenty-third day of April, 1888.

O. B. SANSUM, *Examiner.*

And then and there complainant offered in evidence copy of an order of *court* third district court, case 17028, filed in said court August 1st, 1863; which copy is marked by the examiner O. B. S., ex., April 23rd, 1888.

And then and there the complainant announced that the complainant's case is now closed; and by agreement of both parties the further taking of testimony in said cause is adjourned to the
93 first Monday in November next, at the office of O. B. Sansum, 52 Camp street, in the city of New Orleans.

O. B. SANSUM, *Examiner.*

New Orleans, April 23rd, 1888.

And in pursuance of said adjournment, on this first Monday—that is to say, the fifth day of November, A. D. 1888—at eleven o'clock in the forenoon, at my office, 52 Camp street, in the city of New Orleans, the complainant aforesaid appeared, by Richard De Gray, Esq., and no person came to represent the defendants; and thereupon the further taking of testimony in said cause is adjourned to 11 o'clock in the forenoon (at my office, 52 Camp St., New Orleans), on Monday next, November 12th, 1888, the defendants to be notified.

O. B. SANSUM, *Examiner.*

New Orleans, November 5th, 1888.

And in pursuance of said adjournment, on this twelfth day of November, A. D. 1888, at 11 o'clock in the forenoon, at my office, 52 Camp street, in the city of New Orleans, the complainant being represented by Richard De Gray, Esq., and the defendants by Harry H. Hall, Esq., —, and then and there, at the request of the defendants, the further taking of testimony in said cause was adjourned to 11 o'clock in the forenoon of Monday next, at my office, 52 Camp St., in the city of New Orleans.

O. B. SANSUM, *Examiner.*

94 And in pursuance of said adjournment, on this 19th day of November, A. D. 1888, at 11 o'clock in the forenoon, at my office, 52 Camp street, in the city of New Orleans, the complainant being represented by Richard De Gray, Esq., and the defendants by Harry H. Hall, Esq., —, and then and there, at the request of the defendants, the further taking of testimony in said cause was adjourned to 2 o'clock in the afternoon of Monday next, at the office of Richard De Gray, Esq., 120 Common street, in the city of New Orleans.

And on this 26th day of November, A. D. 1888, at the office of said Richard De Gray, Esq., the defendants being represented by Harry H. Hall, Esq., and the complainant by Richard De Gray, Esq., by agreement of both parties, the further taking of testimony

in this cause is adjourned to Thursday next, the 29th instant, at 3 o'clock in the afternoon, at the said office of Richard De Gray, Esq., 120 Common street, in the city of New Orleans.

O. B. SANSUM, *Ex.*

95 *Report. Filed April* 23, 1889.

Circuit Court of the United States for the Eastern District of Louisiana. In Equity.

JAMES W. PEAKE
vs.
THE CITY OF NEW ORLEANS.

To the honorable the judges of the circuit court of the United States for the eastern district of Louisiana:

The undersigned, a standing master of this honorable court, to whom the above-entitled cause was referred by order of court dated December 21st, 1888, now respectfully reports as follows:

That under the said order of court and by reason of the requests made upon the master by the parties the master finds it his duty to report and declare all the issues of fact and of law presented by the pleadings and the evidence taken in the cause.

And in pursuance thereof the master states as briefly as possible a history of the facts upon which the controversy is founded.

96 That by statute of the State of Louisiana approved March 18th, 1858, several boards of commissioners were created and given power to levee, drain, and reclaim certain lands situate in the parishes of Orleans and of Jefferson, comprising the city of New Orleans, the city of Jefferson, and the city of Carrollton, the whole area thereof being 26,026 acres. These lands were separated into three districts, entitled draining districts, each district being described by metes and bounds as follows:

The first draining district was bounded as follows: Beginning in the city of New Orleans at the Mississippi river at Julia street, thence along that street to the canal of the New Orleans Canal and Banking Company; thence along that canal to Lake Pontchartrain; thence along the shore of that lake to Bayou St. John; thence along that canal to St. Peter's street; thence along that street to the Mississippi river, and thence along the bank of that river to the point of beginning.

The second draining district was bounded as follows: Beginning at the upper side of Julia street aforesaid, thence along that street to Mobile landing; thence along that landing to Delord street; thence along that street to the upper side of the canal of the aforesaid New Orleans Canal and Banking Company to Lake Pontchartrain aforesaid; thence along the shore of that lake to the Jefferson and Pontchartrain railroad; thence along that railroad to the Mississippi river aforesaid, thence along the bank of that river to the last point of beginning, the second district being in the city of New Orleans and in the adjacent parish of Jefferson.

97 The third draining district was bounded as follows: Beginning at the Mississippi river aforesaid at St. Peter's street aforesaid, thence along the lower side of that street to the said Canal Carondelet; thence along that canal to Bayou St. John; thence along that bayou to Lake Pontchartrain aforesaid; thence along the shore of that lake to Lafayette avenue; thence along that avenue to the Mississippi river aforesaid; thence along that river to the last point of beginning.

For the purpose of carrying this act into effect a board of commissioners was to be appointed for each draining district; one board of commissioners to be designated the board of commissioners of the first draining district, another to be designated the board of commissioners of the second draining district, and the other to be designated the board of commissioners of the third draining district, each board being composed of five persons, residents of the respective districts in and for which they were appointed. The commissioners for the first and third draining districts were to be appointed by the mayor of the city of New Orleans, subject to the consent of the aldermen of that city, and the commissioners for the second draining district were to be appointed as follows: Two by the mayor of the city of New Orleans, subject to the consent of the aldermen of that city; one by the council of the city of Jefferson, the other by the council of the city of Carrollton.

98 These several boards of commissioners were given power to thoroughly drain their several and respective districts; they were to enter upon all the lands described, to place all requisite engines and machinery upon them; to excavate all necessary canals and drains; to make all necessary improvements and levees; and, generally, to do all things, lawful and necessary, "to drain, clean, and reclaim all the lands described."

They were given power to excavate canals through public streets and squares, and if any street selected for a canal were too narrow for a draining canal and a public highway they were to widen it, and they might sue and be sued, and they were also given power to use a seal, to contract for necessary work, and to accept any gift, legacy, or donation; and, generally, to do all things convenient or necessary for the performance of their respective duties. They were to appoint officers, to make by-laws, rules, and regulations for their own government, and to alter and change them from time to time at their pleasure. They were expressly directed to levee, drain, and reclaim the lands described, and whenever either of the boards of commissioners were prepared to drain any of the lands they were directed to cause a plan of such lands to be made showing the limits of the district to be drained, to subdivide it, to state in it the names of the several owners thereof, the direction of and the size of the canals contemplated, the places where steam-engines were to be put up, and to deposit such plans in the office of the recorder of mortgages, in the parish in which the lands were situate. They were also directed to prepare notices announcing their intention to

99 drain the lands mentioned, and to publish them in French and English in two newspapers in the city of New Orleans

at least once a week for four weeks successively. In these notices they were to state where the plan or plans could be found, and in the same notices they were required to set forth the limits of the section to be drained, and to indicate in these notices, as nearly as possible, the time within which the draining would be completed and the probable cost of the work.

After publication the several and respective district courts within whose jurisdiction the lands to be drained were situate were directed, upon due proof of the publication of said notices, to decree "each portion of the property situate within the limits mentioned in the notices subject to a first-mortgage lien and privilege in favor of such board of commissioners for such amount as might be assessed upon the property for its proportion of the cost of draining, with interest thereon, at six per centum per annum, from demand thereof." The decree was to be recorded in the office of the recorder of mortgages of the parish in which the lands to be drained were situate and a certified copy of the plan mentioned was to be deposited with the recorder of mortgages; and the statute expressly declared the lien and privilege mentioned shall "take precedence over all mortgage liens and privileges whatsoever, whether tacit, conventional, legal, or judicial, and shall attach to said property until the amount assessed and the interest thereon shall be paid in full."

100 The statute then directed the several boards of commissioners, within their respective and several districts, to levy "such uniform assessments upon the superficial or square foot within the draining section or district of such board to defray the construction of levees, machinery, canals, or other works necessary for carrying out the provisions of this act and applicable to its particular district, which shall be collected from time to time as the wants of such board or boards of commissioners may require, provided, however, that the same shall not in the aggregate, for any one district, exceed the sum of three hundred and fifty thousand dollars, and that not more than one-half of said amount shall be demandable within two years after the passage of this act." The statute further provided that on non-payment of the amount of the assessment judgment thereon shall be recovered before any court of competent jurisdiction and the land so assessed shall be sold according to law, "each board being authorized to purchase the same and to hold or dispose of the same for the benefit of said draining districts, provided that the sale thereof shall be made at public auction after thirty days' notice by three advertisements in some newspapers published in such districts; that the price of such sale shall fully cover the amount of the judgment, and all costs and interest to the time of purchase shall not exceed six per cent. per annum interest upon the aggregate so found from that time until its alienation, and if, while the property of the draining district, such property would have become liable to any further assessments the sale shall also cover the amount thereof."

101 An appropriation of eighty-one thousand dollars of the swamp-land fund of the first swamp-land district of the State is then granted to aid in carrying out the purposes of the

statute, to be equally divided among the several draining districts mentioned in proportion to the area of each district. The right to repeal, alter, change, or modify this statute was reserved.

A supplementary statute, approved March 15th, 1859, referred to the statute last cited and declared that in order to enable the several boards of commissioners to carry into effect and to commence immediately the works herein contemplated each board of commissioners is given power to issue bonds of the denomination of five hundred dollars each, bearing interest not exceeding eight per cent. per annum, having not more than thirty years to run, to be designated 'draining bonds,' but the total amount of bonds so issued shall not exceed the sum of three hundred and fifty thousand dollars for any one section of draining district."

The commissioners were also directed, upon issuing the bonds mentioned, to fix and determine the amount to be assessed upon each superficial or square foot of all lands situate within the drai ing district or section to be drained. They were to fix and apportion the amount of tax to be paid yearly by the owner or owners of the lands to pay the annual interest on such bonds as might mature, "provided that the amount of assessment demandable and collectible yearly shall not exceed in the aggregate more than one-tenth of such assessment." The commissioners were also required to deposit all moneys they might receive for assessment with the fiscal agent of the city of New Orleans "to the credit of the
102 draining fund, the amount so deposited being a special fund to pay "the annual interest and to redeem the bonds at maturity, and the amount so deposited shall be drawn only to pay the annual interest or to redeem the bonds, provided that none of it shall be withdrawn except by resolution of the board of commissioners."

Among other provisions, not necessary to this controversy, the statute contemplated the completing of the work of leveeing, draining, and reclaiming the lands mentioned; and on that subject it provided that after the work shall have been completed the several and respective commissioners shall make an estimate of the money required to keep up and maintain the work and to continue the draining. These estimates were to be made to the common council of the city of New Orleans for that part of the lands lying within the limits of that city, and like estimates were to be made to the police jury of the parish of Jefferson for that part of the lands lying within that parish, and it was declared the duty of the common council of the city of New Orleans and of the police jury, respectively, "to levy a uniform tax or assessment upon the superficial or square foot upon all lands situate within the draining sections and districts respectively" sufficient to meet the several amounts required for the purposes mentioned, "and the tax or assessment so levied shall be collected in the same manner as the city or parish taxes, and when collected the money shall be paid to the respective boards of commissioners, who shall disburse and account for the same."

103 The last section of this statute declared that the boards of commissioners mentioned shall have access to and the right "to copy any plan or plans of any part of the city of New Orleans and of the parish of Jefferson which may be in the possession or custody of the common council of the city of New Orleans, or of the parish of Jefferson, or of any parochial authorities, or of any surveyor or any other officer, to be certified by such custodian to be a correct copy or copies thereof, and the same to include the street or streets, roads, or highways or any portion or section thereof to be drained, according to the provisions of the act to which this is supplementary."

Another statute, act 57 of 1861, provided a summary remedy to enforce the collection of assessments made under the acts of 1858 and of 1859. This statute declared that the homologation of the tableaus "shall operate as a judgment against the property assessed and the owners thereof." It required the several boards of commissioners to prepare their respective tableaus of assessments for their respective districts, in which "shall be described the property assessed and the names of the owners and the amounts assessed." These tableaus were to be deposited in certain courts designated and notices of the deposit were to be given by publication, and all persons concerned were required, in the notices mentioned, to show cause within a time stated "why the tableaux should not be approved and homologated." Oppositions to the proceedings were to be made within thirty days, and if no opposition were made
104 the statute expressly declared "that a judgment shall be given against the property assessed and the owners thereof, on which execution may issue as on judgments rendered in the ordinary mode of proceeding."

Several boards of commissioners were organized under these statutes, and, after some lapse of time, plans of the work contemplated and the estimates of its cost were deposited in the courts having jurisdiction in the premises, and they were approved and homologated. Some of the assessments were collected and some of the work was done, but the evidence is not very definite as to how much was done at that time.

Subsequently, in the year 1869, the Legislature passed act No. 51 of that year. The title of the act reads as follows: "To repeal the laws and parts of laws creating draining districts in certain portions of the parishes of Orleans and Jefferson, and providing the modes and means of draining the same, and to provide for the disposition of the property belonging to the said draining districts, and for collecting the taxes for draining purposes, and the manner the funds so derived are to be appropriated to aid in constructing the New Orleans and Ship Island canal.

Following this title the preamble of this statute declared that the objects contemplated in the statute of March 18th, 1858, cannot be effectually accomplished because of inherent defects in the law, among which are the want of accountability and unity of action on the part of the officers appointed to attain the objects contemplated;

that large sums of money have been misapplied or squan-
105 dered in ineffectual efforts to thoroughly drain the lands embraced in the draining districts mentioned; that the lands had not been protected from overflow, and property of great value had been destroyed and damaged, the health of the citizens endangered, and that constructing the New Orleans and Ship Island canal under the provisions of an act approved October 4th, 1868, incorporating that company, will prevent the overflow of the city of New Orleans from the rear, and will furnish an ample channel into which the territory embraced in the districts can be completely drained. This preamble then proceeds in words as follows: "Now, therefore, to put an end to the drainage system, erroneous in principle and unsuccessful from experience, and to promote the health and prosperity of New Orleans, and to advance the interests of domestic and foreign commerce, the following act is passed."

This statute in express terms consolidated the first, second, and third draining districts and abolished all the then offices, and declared that the property and affairs of the districts so consolidated shall be disposed of and conducted as follows: "The commissioners of the first and third draining districts shall turn over to the mayor of the city of New Orleans all canal or dredge boats, draining machinery, engines, buildings, and property belonging to said district; and the commissioners of the said second draining district shall turn over all such property as is above specified, as belongs to the said second district to the mayor of the city of New Orleans, the mayor of the city of Jefferson, the mayor of the city of Car-
106 rollton, and the police jury of the parish of Jefferson, left bank, in such proportions as may belong to said corporations respectively; the property thus turned over to be disposed of by said municipal and parochial corporations in such manner as may be deemed most advisable; and all other property, such as maps and plans, tableaux or books, pertaining to the business of said draining districts, or moneys or credits, such as mortgages and all other evidences of title to real estate, and of assessments of taxes, etc., shall be turned over to the commissioner of drainage, whose appointment is hereinafter provided for." The commissioners of the several districts were required "to make a full exhibit of all their accounts and transactions and a full settlement with him, and to turn over to him all the property and rights belonging to said districts not hereinbefore required to be turned over to other parties; and on refusal to comply with the provisions of this act on the part of said drainage commissioners the commissioner of drainage shall have power to institute suit in his own name to compel settlement on the part of said drainage commissioners, and to recover and to possess himself of all property and rights required to be turned over to him by the provisions of this act."

The statute also directed the Governor of the State, with the advice and consent of the senate, to appoint a commissioner, to be known as the "commissioner of drainage," who was to give bond in the sum of seventy-five thousand dollars, with solvent sureties, for the faithful discharge of his duties; that he should hold his office

for a term of two years, subject, however, to be removed by
107 the Governor. This commissioner was directed to take into his possession all of the property mentioned, to keep and to preserve it, "to settle and to adjust all accounts, to settle assessments, and to collect them under the provisions of the act of March 18th, 1858, and the acts supplementary and amendatory thereto, and for the purposes of said assessments and collection of taxes the provisions of the act now in force shall be and remain in full force until said assessments and collections shall be completed." All moneys received were to be deposited with the State treasurer, and the taxes for draining purposes were to be a first mortgage and privilege upon the lands, to be enforced by the means and remedies then in force or that might thereafter be provided. This commissioner was required to make statements in duplicate of the taxes assessed or to be assessed and which had not been collected, and "to lodge a copy of it with the State auditor and another with the State treasurer. This commissioner was entitled to receive a commission of two and a half per cent. on all moneys collected by him as compensation for his services and expenses. He was also required to keep an accurate account of all his transactions, and at the expiration of his term of office to make full and final statement of his accounts with the State auditor, and as soon as the New Orleans and Ship Island Canal Company shall have excavated that part of their canal commencing at the point mentioned and of the dimensions stated in the statute, upon a report made by a competent engineer to the Governor and State auditor, if it appeared by that report that the excavations
had been made according to the provisions of the statute, the
108 State auditor was to draw a warrant on the State treasurer in favor of the treasurer of that company for one-fourth of the amount of the uncollected taxes assessed, and on presenting that warrant the State treasurer was required to pay the money, provided sufficient funds had been deposited with him by the commissioner of drainage, but if there was not sufficient funds, then he was to pay it to the extent of the funds in his possession and as rapidly as they should be collected and paid over to him. The act provided for further compensation when the canal should be increased to a depth of nine feet and a width at its bottom of seventy-five feet, provided it was done within four years. Other warrants were to be issued to that company in the same way and payable in the same manner when the canal should be excavated to a depth of twelve feet and a width at the bottom of seventy feet, with suitable locks connecting it with the Mississippi river. This company was to receive other compensation in the nature of grant of lands mentioned in the statute, two hundred thousand acres, to be selected by the company of any lands belonging to the State, and upon completing the canal to a depth of twenty feet, with a surface width of one hundred and fifty feet, from the Mississippi river to the Rigolets, a patent was to be issued to this company for all land held by the commissioner of drainage, in trust for this company. This company had the right to enter upon any of the public lands of the State and to select therefrom any quantity of land not exceeding

four hundred thousand acres, to be reserved for the company until they should be entitled to a patent. This company was also
109 required to construct and maintain a suitable levee along the north line of their canal from the Mississippi river, a distance of five miles, to prevent overflow upon the city by any crevasse which might occur above the canal's intersection with the river and to prevent overflow from Lake Pontchartrain. No money or lands were to vest in this company until the protection levee should be built according to the provisions of the statute, and all laws and parts of laws conflicting with this statute were repealed.

The Governor of the State returned this statute to the Legislature, who proceeded to pass it notwithstanding his refusel to sanction it. Nothing appears in the evidence before the master showing what, if any, work was done by the New Orleans and Ship Island Company.

The several boards of commissioners had made assessments upon the lands described as provided by the statutes mentioned. Examining the petitions filed in the several courts, all averments necessary to valid judgments against the lands mentioned and the owners thereof are properly pleaded; all precedent conditions are properly averred. The several assessment-rolls were approved and homologated by the several courts, and judgments were rendered against the several parcels of land and the owners thereof, as the same were described in the assessment-rolls.

In the first draining district judgment was rendered March 11th, 1863, and signed March 17th, 1863, for the first installment. Subsequently application was made for judgment on the nine re-
110 maining installments and it was rejected, and from that judgment rejecting it an appeal was taken to the supreme court of the State of Louisiana.

The judgment of that court appears in the 27th Annual, page 20. Pending that appeal, judgment was rendered to enforce the several assessments as follows: In the second draining district, judgment was rendered February 9th, 1861, decreeing mortgage lien and privilege on the lands of that district lying in the Parish of Orleans. The homologation of the assessment-rolls on those lands for the full amount was rendered November 11th, 1868, and signed November 16th, 1868, and the application for lien and privilege on the other lands of that district in the parish of Jefferson was made April 29th, 1861, and the homologation and approval of the assessment-rolls upon those lands was rendered March 15th, 1869, and signed March 23rd, 1869. In the third draining district, the judgment decreeing a mortgage lien and privilege on the lands in that district was rendered May 4th, 1872, and the judgment homologating and approving the assessment-rolls in that district was rendered November 8th, 1872, and signed November 13th, 1872. In the fourth draining district a judgment decreeing first-mortgage lien and privilege on lands in that district for costs of draining them was rendered January 29th, 1873, and signed February —, 1873, and judgment homologating the assessment-rolls in this district was rendered and signed March 20th, 1873.

In all these several proceedings judgments were rendered against

the city of New Orleans for assessments for draining streets and public places as follows: Lands in the first draining district, twenty
111 thousand one hundred and seventy-eight dollars and eighty-seven cents, with interest from February 15th, 1863, at six per cent., and again for nine additional installments judgment was rendered in the supreme court of Louisiana for two hundred and thirty-one thousand one hundred and sixty-eight dollars and fifty cents, with interest from December 7th, 1871, at six per cent. In the second draining district judgment was rendered on lands situate in the parish of Orleans for seventy-one thousand four hundred and thirty-one dollars and eighty-one cents, with interest from June 16th, 1868, and on lands situate in the parish of Jefferson for one hundred and twenty-three thousand seven hundred and forty-nine dollars and ninety-nine cents, with interest from March 11th, 1869. In the third draining district judgment was rendered for two hundred and seven thousand four hundred and forty-one dollars and forty-six cents, with interest from June 12th, 1872, at six per cent.; and in the fourth draining district judgment was rendered for sixty-five thousand nine hundred and fifty-six dollars, with interest from January 13th, 1873, at six per cent.

By an act approved March 16th, 1870, known as "act seven of 1870," the limits of the parish of Orleans were extended and the boundaries of the parishes of Orleans and Jefferson were changed, and the cities of New Orleans and of Jefferson were united, and the act of February 13th, 1852, incorporating the city of New Orleans, and the act approved March 9th, 1850, incorporating the city of Jefferson *was* also repealed, and all acts amending the acts last mentioned were also repealed, and directions were therein given
112 and declared for funding the floating indebtedness of the cities so consolidated.

By that statute the parish of Orleans is bounded, on the left bank of the Mississippi river, commencing on the Mississippi river at Fisher's canal; thence along the left bank of the Mississippi river to the lower boundary line of the then city of Carrollton; thence along the said boundary line to a point where it intersected the then boundary line of the city of New Orleans; thence along the said boundary line to Lake Pontchartrain; thence along the lake shore to the then lower boundary line of the city of New Orleans; thence along the said boundary line to the point of commencement, on the Mississippi river; and the statute expressly declared that so much of the present parish of Jefferson as is contained within the aforesaid boundaries is hereby detached from the parish of Jefferson and annexed to the parish of Orleans, and all that portion of the parish of Orleans on the left bank of the Mississippi river shall constitute the parish of Orleans, and the city of New Orleans and all the inhabitants thereof shall be a body corporate to be known by the name of the "City of New Orleans."

After conferring power upon the city of New Orleans to sue and be sued the statute divided the city of New Orleans into six districts, and defined them by metes and bounds. For the administration of the government and affairs of the city the statute pro-

vided seven separate departments—of finance, of commerce, of assessment, of improvement, of police, of public accounts, and of water works. The heads of these several departments were to be
113 known as the administrators of departments, and they were severally given the administration and special control of their several and respective departments, subject to certain limitations stated in that and in other statutes, ordinances, and resolutions of the council. The department of improvements was charged with the general superintendence of all matters relating to streets, sidewalks, pavements, and wharves, and the constructing, cleaning, and repairing of the same, and the construction and repairing of bridges and the draining of the city. By this statute the rate of taxation was limited to one dollar and seventy-five cents on the one hundred dollars of valuation annually, except in cases of invasion or insurrection, provided it be sufficient to pay the interest on the consolidated debt and railroad bonds issued by the city of New Orleans.

This statute expressly provides that "all right, title, and interest of the city of New Orleans as now existing in and to all lands, tenements, hereditaments, bridges, ferries, streets, roads, wharves, markets, stalls, levees and landing places, buildings, and other property of whatsoever description and wherever situated, with all goods, chattels, money, effects, debts, dues, demands, bonds, obligations, judgments and judgment liens, actions and rights of action, books, accounts, and vouchers, be, and they are hereby, vested in the city of New Orleans as incorporated by this act, and all the right, title, and interest of the city of Jefferson as now existing in and to all lands, tenements, hereditaments, bridges, ferries, streets, roads, wharves, markets, stalls, levees and landing places, buildings, and other property of whatsoever description and wherever situated,
114 and of and with all goods, chattels, money, effects, debts, dues, demands, bonds, obligations, judgments and judgment liens, actions and rights of action, books, accounts, and vouchers, be, and they are hereby, vested in the city of New Orleans as incorporated by this act, and all right, title, and interest of the police jury of the parish of Orleans, right bank, as now existing in and to all lands, tenements, hereditaments, bridges, ferries, streets, roads, wharves, markets, stalls, levees and landing places, buildings, and other property of whatsoever description and wherever situated, and of and with all goods, chattels, money, effects, debts, dues, demands, bonds, obligations, judgments and judgment liens, actions and rights of action, books, accounts, and vouchers, be, and they are hereby, vested in the city of New Orleans as incorporated by this act, to take effect on the first organization of the common council, as herein provided: Provided, That all the estates, income, funds, or property of any description now held in trust by said city of New Orleans, or which shall have been specially pledged or affected by the payment of any debt, shall be held by the city of New Orleans under this act upon and for the same uses, trusts, limits, limitations, charities, and conditions as the same are now held, and the debt generally known as the consolidated city debt, and the bonds issued in favor of the New Orleans, Opelousas & Great

Western Railroad Company, the New Orleans, Jackson & Great Northern Railroad Company, and the Pontchartrain railroad, and all other indebtedness or liabilities of the city of New
115 Orleans, whether in the form of bonds, notes, interest coupons, cash warrants, or any other species of obligation whatsoever, shall be assumed and paid by the city of New Orleans as constituted and incorporated by this act, and said city is declared liable therefor." It provided further that "all the estates and common funds or property of any description now held in trust by said city of Jefferson for the police jury of the parish of Orleans, right bank, or which shall have been specially pledged or affected by the payment of any debt, shall be held by the city of New Orleans under this act upon and for the same uses, trusts, limitations, charities, and conditions as the same are now held, and the debt and all other indebtedness or liabilities of the city of Jefferson and of the police jury of the parish of Orleans, right bank, whether in the form of bonds, notes, interest coupons, cash warrants, or any other species of obligation whatsoever, shall be assumed and paid by the city of New Orleans as constituted and incorporated by this act, and said city is declared liable therefor."

The business of draining the lands mentioned seems to have been neglected from 1867 to 1871. In February of the year last mentioned act 30 of 1871 was passed. The Governor of the State neglected to veto or to return it to the house within the time prescribed by law and it became a law without his approval.

The title of that statute is expressed in eight words. They are, "To provide for the draining of New Orleans." The preamble to that statute recited, "Whereas the proper and efficient drainage of
116 the city of New Orleans is of paramount importance to the sanitary and commercial interests of the city, also of the State of Louisiana; and whereas the Mississippi and Mexican Gulf Ship Canal Company are prepared to immediately undertake the work with the only kind of machinery adapted thereto and now ready for use, and to prosecute the same with energy and economy to completion." The statute gave power to the Mississippi and Mexican Gulf Ship Canal Company to excavate draining canals, to build protection levees within the then corporate limits of New Orleans and of Carrollton under certain conditions expressed, the conditions being to excavate a canal, to remove the earth excavated outside of that canal, and build with it a protection levee in the rear of the city of New Orleans and near the shore of Lake Pontchartrain. The canal and levee and all other canals and levees were to be indicated and fixed by the board of administrators of the city of New Orleans, and the title to the lands needed for the purposes mentioned were to be procured and held by the board of administrators of the city of New Orleans. The statute declared that the Lake Pontchartrain canal shall not be less than sixty-five feet wide on the surface and fifteen feet deep, with the proper slope to the sides; that the canal along the lake shore should serve as a reservoir for draining the city of New Orleans and the lands in the rear thereof; that the matter drained should be pumped from the canal

over the protection levee and thrown into the lake; that the protection levee should not be less than one hundred feet wide and sufficiently high to protect the city from overflow from Lake Pontchartrain. The statute also gave power to that company to excavate canals of such dimensions and in such localities as
117 might be appointed by the board of administrators of the city of New Orleans. It also gave power to that company to excavate a canal and build a protection levee below the city of New Orleans, to connect the lower end of the protection levee along the lake with the Mississippi river, and that it should be of sufficient height to protect the city from overflow; also to excavate another canal and to build another protection levee above the city of New Orleans, the object of these canals and levees being to defend from overflow the lands lying between the Mississippi river and Lake Pontchartrain above the new or company's canal and below the Carondelet canal. The same statute gave power to the same company to excavate all smaller canals for draining the city of New Orleans and the lands in the rear of New Orleans wherever such canals should exceed ten feet in width. These levees and canals, whether large or small, were to be designated by the board of administrators of the city of New Orleans, and all lands acquired for the purposes mentioned were to be held by the board of administrators for the benefit of the city of New Orleans; and the Mississippi and Mexican Gulf Ship Canal Company were required to be ready to proceed with the work of excavating within fifteen days after the passage of the statute, and to have ready sufficient machinery to excavate at least twenty-five thousand cubic yards per month, and to move the dirt to the places where the protection levees were to be built, and, as soon as practicable, to increase the capacity of the machinery to at least fifty thousand cubic yards per month. It was made the duty of the board of administrators to locate the lines of the canals and protection levees mentioned, to
118 prevent delay in doing the work required, and to build and run all pumps and draining machines necessary to lift from the canals and throw into Lake Pontchartrain the matter drained; and the statute expressly declared that a failure on the part of the city to perform that part of the work "shall render the city liable to the Mississippi and Mexican Gulf Ship Canal Company for damages resulting from such delay." It was made the duty of the city surveyor of New Orleans, or of an engineer to be appointed by the board of administrators, to examine and measure at the end of every month all work which has been done, and to certify the number of cubic yards excavated as well as the number of cubic yards of protection levees built. Upon such certificates being presented the administrator of accounts was directed to draw a warrant or warrants on the administrator of finance in favor of the president of the Mississippi and Mexican Gulf Ship Canal Company at the rate of fifty cents per cubic yard for excavations made and protection levees constructed. It was also made the duty of the administrator of finance to pay the money due on these certificates; but if no funds arising from drainage taxes were in the treasury to the credit of the

Mississippi and Mexican Gulf Ship Canal Company the administrator of finance was directed to endorse upon the warrants the date of presentation, and, in that event, the statute provided, "the said warrant or warrants shall bear interest at the rate of eight per cent. per annum until paid, which condition shall be set forth in the form of said warrant or warrants."

To provide funds for paying for the work mentioned the
119 several boards of commissioners established under the statute of March 18th, 1858, and all other persons or corporations holding moneys, assessments, claims for drainage in their possession or under their control, or holding title to real estate or books, plans, tableaux, or judgments in favor of the drainage commissioners, or office furniture, were commanded to transfer the same to the board of administrators of the city of New Orleans, and settlement of the claims of said drainage commissioners against the city of New Orleans *were* to be adjudicated and settled out of drainage taxes collected by the city of New Orleans, and the board of administrators were expressly subrogated to all the rights, powers, and facilities (whatever that may mean) possessed and enjoyed by the several boards of commissioners of the said draining districts or by any other corporation charged with the duty of draining and leveeing within the limits of the city of New Orleans and of Carrollton, and the board of administrators were also given power to and were directed to collect the balance due on all assessments as shown by the books of the first, second, and third drainage districts under the acts of March 18th, 1858, and of March 17th, 1859, and of the several supplementary and amendatory acts thereto, and then the statute proceeds as follows: "Which said assessments are hereby confirmed and made exigible at such time and in such manner as the board of administrators may designate: Provided, That the said board shall collect the assessments herein authorized in time to provide for the payment of the warrants, to be issued to the said company at the date of their issue, and to make assessments of two mills per superficial foot in those parts of the three draining districts exist-
120 ing under and created by the act of March 18th, 1858, and of March 17th, 1859, and amendments thereto, and on such other lands as are brought within the protection levees contemplated by this act where no assessments have been made, and to execute and enforce the same as provided for by the several acts creating and regulating the said boards of draining commissioners: Provided, That all moneys received by the said board of administrators from the said commissioners of the draining districts, either from the sale of property received from said commissioners, from the collection of claims for drainage now due, for the collection of drainage assessments, and from any other of the sources of revenue contemplated by the provisions of this section of this act, shall be placed to the credit of the Mississippi and Mexican Gulf Ship Canal Company and held as a fund to be applied only for the drainage of the cities of New Orleans and Carrollton in accordance with the provisions of this act, and all property or moneys so received shall be held in trust for the payment of said Mississippi and Mexican Gulf Ship

Canal Company and ultimately for the benefit of New Orleans, should the same not be required for the work of drainage." The statute further declares that all acts and parts of acts in conflict with or not consistent with this act are repealed, especially the act entitled "An act to repeal all laws and parts of laws creating drainage districts in certain portions of the parishes of Orleans, Jefferson, etc., passed March 2nd, 1869, generally known as the 'Ship Island canal bill;'" also the act amendatory thereto, approved March 16th, 1870. If these canals and levees had been completed the city of New Orleans would have been bounded on the south by
121 the Mississippi river, on the west by the Upper Line canal and protection levee, on the north by the reservoir canal and protection levee along the shore of Lake Pontchartrain, and on the east by the Lower Line canal and protection levee.

It is proper to observe here that this statute cast upon the board of administrators an obligation to "collect all assessments authorized in time to pay the warrants to be issued to the Mississippi and Mexican Gulf Ship Canal Company and to make assessments in the three draining districts created by the act of March 18th, 1858, and to make other assessments on other lands which might be brought within the protection of the levees contemplated, and that the money so collected should be held in trust to pay for the work required."

W. H. Bell, surveyor of the city of New Orleans, devised a scheme for draining the lands described in the statute of March 18th, 1858, and he prepared a plan of the work needed, which is set forth in the map marked "complainant's map one, O. B. S., ex., April 5th, 1888." It is entitled "chart of draining sections of New Orleans, showing present canals, with proposed protection levees and reservoir canals, May, 1872." On the left-hand side of this map four sections are described. The first section shows a total area of five thousand four hundred and thirty acres; the second section shows a total area of nine thousand five hundred and twenty-five acres; the third section shows a total area of seven thousand three hundred and forty-seven acres, and the fourth section shows a total
122 area of three thousand seven hundred and twenty-four acres. The last section is the fourth draining district, of which no mention has been made. The four sections shown by this map exhibit a total area to be drained of twenty-six thousand and twenty-six acres. The city council directed their city surveyor, the late W. H. Bell, to estimate the expense of draining these lands, and in his report, dated March 23rd, 1871, it appears that twenty-two thousand three hundred lineal feet of canals and levees from the Mississippi river to the lake above the city would have cost forty-one thousand four hundred dollars; that eleven thousand two hundred and twenty lineal feet of canals and levees below the city north of the Metairie Ridge would have cost one hundred and seventy-three thousand nine hundred and ten dollars; that twenty-one thousand one hundred and twenty lineal feet of canals and levees below the city and north of the Mississippi river would have cost three hundred and eighty thousand one hundred and sixty dollars; that

twenty-two thousand four hundred and forty lineal feet of canals and levees along the shore of Lake Pontchartrain would have cost six hundred and twenty-seven thousand two hundred dollars, and an additional expense for excavating the same would have cost two hundred and fifty-two thousand seven hundred dollars, the whole amount being one million nine hundred and thirty-nine thousand four hundred and sixty dollars, and that estimating the rain-fall and the power necessary to lift it into Lake Pontchartrain would require four hundred and fifty thousand dollars; also a revetment, to be placed as far out as possible in the lake to avoid serious damage to the levee, is estimated at four hun-
123 dred and twenty thousand seven hundred and fifty dollars. The estimated expense of working engines and pumps, including fuel, engineers, and firemen, is placed at ninety-eight thousand dollars; and Mr. Bell then observed that, in his opinion, a thorough system of open drains, with adequate machinery capable of draining the proposed area of twenty-six thousand and twenty-six acres, should not exceed three million dollars. The paper herein referred to is marked "O. B. S., ex., April 13th, 1888." The city of New Orleans passed ordinance No. 814, administration series, in which the city council declared "An ordinance to provide for the more efficient drainage of the city of New Orleans and environs, and other protection from inundation." This ordinance referred to statute No. 30 of 1871 and declared that the Legislature of Louisiana had made it mandatory upon the council of the city of New Orleans to provide for an extensive system of drainage, to fix the lines, the locations, and dimensions of canals and levees, and to recognize the claims and accounts of and to make settlements with the Mississippi and Mexican Gulf Ship Canal Company for excavating canals and building levees.

By the same ordinance the city council protested against the Legislature's taking from the city the entire control of the draining system; and in that protestation the city council refused to recognize the validity of the statute in certain of its parts, but, as the ordinance states, being convinced of the importance of an effective drainage system, of the desire of the people to accomplish it without any further delay, and being satisfied of the capacity and readiness of the Mississippi and Mexican Gulf Ship Canal
124 Company to perform the work required by the statute, the council ordained: First, that all matters pertaining to drainage and the protection of the city from inundation be placed under the immediate charge of the administrator of improvements, aided by the city surveyor; second, that the mayor and administrator of finance be associated with the administrator of improvements and the standing committee on drainage to act at the pleasure of the council, and that it should be their duty to prepare a plan of the work and to report to the council at its next meeting what canals and levees or extensions of present canals and levees were most urgently required; that thereafter the administrator of improvements should authorize the Mississippi and Mexican Gulf Ship Canal Company to perform the work only as directed; third, that the city of

New Orleans specially declares and notifies the company last named that the city does not waive its right to fully contract for the work of excavating the canals and erecting the levees required, either with that company or with any other party, and that directing or allowing that company to enter upon or perform any of the work of draining shall not be considered as implying an exclusive right in that company to do the work required. The council then expressly notified that company that such work, and none other, as should be performed with the consent and approval of the council would be settled for as hereinafter provided, as follows:

"The surveyor shall measure and certify the dimensions of all canals or levees now existing along the line of works entered upon so far as the same may form part of the canals and levees to
125 be constructed, the same to be allowed for by the company in deduction of other measurements of work performed and completed, and the work shall be measured monthly so far as the same shall be shaped and completed and the levees sufficiently dried for the passage of vehicles, and the levees shall be of full dimension after being dried and ready for use, and all payments shall be based upon measurements made in that condition, and the earth removed from canals not required for levees shall be the property of the city and disposed of as the city may deem proper, and the city shall issue warrants for the payment of work as required by the act of the Legislature; and in case of non-realization or non-collection of assets provided for, then the same to bear eight per cent. per annum interest, the warrants to be issued with the understanding to be inscribed or endorsed thereon that they shall not be enforceable by suit and judgment; but if not paid within one year out of the proceeds of the drainage tax and assets they shall be fundable in bonds of the city bearing eight per cent. interest, payable semi-annually, having ten years to run, and that due provision — for retiring the same and securing the principal, payment of interest, and gradual extinction of the principal; and the city shall have power to sell said bonds or to give the same in payment of the work performed, but no sale or exchange shall be made at less than eighty cents on the doliar, including all interest, and any holder of any fundable warrant after thirty days' notice, if not paid in money, may demand bonds for the same at eighty cents on the dollar."

The city expressly reserves the right to contest at law or otherwise the constitutionality of this statute or any part of it and
126 notified the Mississippi and Mexican Gulf Ship Canal Company accordingly.

March 14th, 1871, the Mississippi and Mexican Gulf Ship Canal Company served written notice upon the city of New Orleans that they were ready to accept the conditions of act No. 30 of 1871 and to proceed with the work.

April 14th, 1871, W. F. Mayo, secretary of the board of administrators, reported to the mayor of the city of New Orleans the work which had been done in draining certain parts of the lands described. By that report it appears that in the year 1860 the Melpomene canal from the Melpomene draining machine to Toledano

street was excavated three feet deep, twenty-eight feet wide at the top and twenty-four feet at the bottom, at a cost of $7,496.22, and in 1861 the Toledano canal from Claiborne canal to Carrollton avenue was cleaned at a cost of one hundred and fifteen dollars per acre, there being twenty-six acres; as also four acres of a discharging canal at three hundred and seventy-five dollars per acre, or at a cost of $5,571.96; that in the years 1862 to 1864 the Claiborne canal from Toledano street to Carrollton avenue was excavated forty-four feet wide at top and eight feet deep, the length being seventeen thousand six hundred and thirty-six feet, at a cost of $47,133.28; that in the years 1865 and 1866 the Dublin canal from Fourth street, in Carrollton, to the new canal at Julia street was excavated eight feet deep, thirty-five feet wide, five thousand nine hundred and fifty feet long, at a cost of $2,034.96; that in the year 1867 the Fourteenth-street canal, in Carrollton, from the draining machine to the upper line of Carrollton was excavated thirty-five feet wide, eight feet deep, five thousand one hundred feet long,
127 at a cost of $19,306.20; that in the year 1866 Peters-avenue canal was excavated thirty-five feet wide, eight feet deep, two thousand seven hundred feet in length, at thirty-seven and four-tenths cents per cubic yard, at a cost of $10,825.40; that a dredge-boat at a cost of ten thousand dollars had been purchased, and the total costs as appears by that report were one hundred and sixteen thousand and thirty-seven dollars and thirty-one cents.

April 16th, 1872, the city of New Orleans filed a petition in the eighth district court for the parish of Orleans claiming by subrogation all the rights, powers, and facilities possessed and enjoyed by the commissioners of the first draining district under the act of March, 1858. In that petition it is averred that a plan had been prepared by W. H. Bell, city surveyor, of a certain section of land described in an advertisement to the petition annexed, being in the first draining district, and that a true copy of the plan had been deposited in the office of the recorder of mortgages on the 2nd of March, 1872; that the notices required by the statute announcing that the city of New Orleans is about to drain said section or district had been published according to law. The city of New Orleans then prayed a decree subjecting all the lands situated within the limits of the said draining district to a first-mortgage lien and privilege for such amount as might be assessed on them for their proportion of the whole cost of the drainage of said section, with interest at the rate of six per cent. per annum. November 8th, 1872, judgment was rendered according to the prayer of that petition. The schedule filed with that petition described the public roads,
128 markets, city court-house, alleys, hospitals, barracks, public squares, school-houses, engine-houses, streets, and alleys as owned by the city of New Orleans, and these are condemned to pay two hundred and five thousand and twenty-six dollars and seventy-nine cents.

It will be observed that this judgment, so far as it affects school-houses, public squares, markets, and other property belonging to the

city of New Orleans, was rendered against the city of New Orleans at the suit of the city of New Orleans.

February 7th, 1872, the city of New Orleans created the fourth draining district by ordinance known as ordinance 1359, and bounded that district as follows: Commencing on the left bank of the river Mississippi at the point of intersection with Lafayette avenue; thence continuing down said river to the point of intersection with Fisherman's canal; thence running back from said river a distance of 9,900 feet or thereabouts to Bayou Bienvenu and Florida Walk; thence continuing along Florida Walk for a distance of 15,914 feet or thereabouts, so as to connect through a curved line of 338 feet additional with Lafayette and People's avenue at a point distant from the Mississippi river of 9,900 feet or thereabouts, and thence along Lafayette avenue to the place of beginning.

And the common council of the city of New Orleans determined to drain the lands within the said fourth draining district, and, complying with all the directions stated in the statute, plans of the lands were made and proper proceedings were had in the
129 courts, and these lands were assessed for drainage taxes in the same way that assessments were made in the other draining districts.

By statute approved April 26th, 1872, known as act 73 of 1872, the State of Louisiana made provision for paying the unbonded debts of the city of New Orleans and for providing for the payment of moneys due for excavation and levees in draining the city of New Orleans. Section 13 of that act provides as follows: "That for unbonded debts existing December 31st, 1871, and unpaid at the time of the passage of this act or caused by receipts of certificates of 1871, for revenues proper of 1872, and for excavations and levees, drainage machinery and revetments authorized by law or required for the protection of the city from overflow or inundation, the city may issue from time to time, as they may be required, bonds of the denominations of five hundred and one thousand dollars, having fifty years to run and bearing seven per cent. interest, principal and interest payable in gold in New York and New Orleans, and at any other points that the council may designate, with quarterly coupons, and that the bonds thus issued shall be called the new consolidated debt of New Orleans. No bonds shall be issued but by authority of the council, nor for a lower rate than ninety cents on the dollar. All issued for excavations and levees authorized by act No. 30 of 1871 or by drainage laws previously enacted shall be marked 'drainage series,' and all taxes collected for drainage and not required for the payment of drainage warrants shall be devoted to the purchase from the lowest bidder of bonds issued for drainage; no bid to be accepted above par, and the right reserved to the council to reject all unsatisfactory bids."

130 The Mississippi and Mexican Gulf Ship Canal Company being pressed for money to carry on the work, they assigned and set over all their right, title, and interest acquired under act No. 30 of 1871, and all other interests, claims, and demands they had or might have to all sums of money, profits, and benefits that

might inure from or be realized by the performance and execution of the work provided for and mentioned in the statutes, together with all certificates, warrants, cash, or bills that may be made out and delivered by the surveyor or other officer of the city of New Orleans for any and all work done or performed under the provisions of the act mentioned by the Mississippi and Mexican Gulf Ship Canal Company, to Warner Van Norden May 22nd, 1872.

By statute approved March 23rd, 1874, the city of Carrollton was annexed to the city of New Orleans. That statute provided in terms that "all the right, title, and interest of the city of Carrollton as then existing in and to all lands, tenements, hereditaments, bridges, ferries, streets, roads, wharves, markets, stalls, levees and landing places, buildings, and other property of whatsoever description and wherever situated, and of and with all goods, chattels, money, effects, dues, demands, bonds, obligations, judgments and judgment liens, actions and right of action, books, accounts, and vouchers, be, and they are hereby, vested in the city of New Orleans, and the debt and all other indebtedness or liabilities of the city of Carrollton, including tbe funding and improvement bonds and the bonds issued to the Jefferson City Gas-Light Company and known as the gas bonds, and notes, interest coupons, wages, salaries due or to become
131 due, warrants, or other species of obligations whatever, shall be assumed and paid by the city of New Orleans, and said city is hereby declared liable therefor."

The Mississippi and Mexican Gulf Ship Canal Company had proceeded with the work of excavating canals and building levees under the direction of the city council of New Orleans, as appears by a paper marked "O. B. S., ex., April 14th, 1888." The first or earliest work performed by that company is July 1st, 1871, and the latest is May 26th, 1876. According to that paper, up to January 1st, 1875, the work so performed amounted to one million seven hundred and thirteen thousand six hundred and thirty-five dollars and thirty-five cents. In the first draining district, three hundred and seventy-seven thousand eight hundred and eighty-seven dollars and twenty-five cents; in the second draining district, one million thirty-two thousand three hundred and ninety dollars and twenty-six cents; in the third draining district, three hundred and three thousand three hundred and fifty-seven dollars and eighty-four cents. In addition to these sums certain other miscellaneous work, amounting to seventeen thousand seven hundred and sixty-three dollars and ninety-three cents, had been done, viz: Wharves and landings, nine thousand one hundred and thirty-seven dollars and fifty-six cents; building bridges for the People's Avenue canal, one thousand six hundred and forty-two dollars and thirty-seven cents; building bridge over Claiborne street, five hundred dollars; track-work, etc., four thousand three hundred dollars; taking down bridges on
132 Claiborne canal, four hundred and thirty-four dollars; building bridges on Dublin Avenue canal, seven hundred and fifty dollars. The city's officials charged with the duty of paying for the work of draining as it was done from time to time during the period last above mentioned had the work measured, as provided by act 30

of 1871, issued draining warrants for it to the persons performing the work, amounting in all to the sum of $1,422,263.67, and the holders of said warrants exchanged them from time to time for bonds of the city of New Orleans, known as "new consolidated gold bonds, drainage series," taking the bonds at ninety cents on each dollar. The bonds so delivered were intended to pay and discharge the demands of the said Mississippi and Mexican Gulf Ship Canal Company for work performed, but there was never any intention on the part of said city of New Orleans to apply them or any of them in satisfaction of the judgments then outstanding against the city of New Orleans for drainage taxes.

133 By an amendment to the constitution of the State, taking effect January 1st, 1875, the city of New Orleans was forbidden to increase the municipal debt in any manner or form or under any pretext. The words of the amendment are: "No evidence of indebtedness or warrant for the payment of money shall be issued by any officer of said city, except against cash actually in the treasury; but this shall not be construed to prevent a renewal of matured bonds at par or the issue of new bonds in exchange for other bonds, provided the city debt be not thereby increased, nor to prevent the issue of drainage warrants to the transferee of the contract under act No. 30 of 1871, payable only from drainage taxes, and not otherwise." But at that date, January 1st, 1875, the work of draining had progressed rapidly, and the money earned by the Mississippi and Mexican Gulf Ship Canal Company in draining the lands mentioned amounted, as already stated, to one million seven hundred and thirteen thousand six hundred and thirty-five dollars and twenty-five cents, to wit: First draining district, three hundred and seventy-seven thousand eight hundred and eighty-seven dollars and twenty-five cents; second draining district, one million thirty-two thousand three hundred and ninety dollars and twenty-six cents, and in the third draining district, three hundred and three thousand three hundred and fifty-seven dollars and eighty-four cents—almost three-fourths of the whole sum incurred in doing all the work of draining.

134 The Mississippi and Mexican Gulf Ship Canal Company continued the work of draining until the Legislature of the State conferred exclusive power upon the city of New Orleans to do it. That power was granted February 24th, 1876. At that date the Mississippi and Mexican Gulf Ship Canal Company had performed the work of draining at a cost of two million two hundred and forty-two thousand five hundred and fourteen dollars and seventy-eight cents, as follows: In the first draining district, $377,887.25; in the second draining district, $1,249,606.64; in the third draining district, $576,455.96, and in the fourth draining district, $21,801.00, and other miscellaneous work, $17,763.93, against which the city of New Orleans had delivered to that company drainage warrants to the amount of one million nine hundred and seventy-seven thousand seven hundred and thirty-four dollars and fifty-nine cents, as appears by document No. 120, marked "O. B. S., ex., December 4th, 1888." But document No. 121, marked "O. B. S., ex.,

December 4th, 1888," shows that only one million three hundred and seventy-five thousand nine hundred and eighty-four dollars and twenty-five cents of drainage warrants have been exchanged for consolidated bonds, drainage series.

And subsequently the city of New Orleans purchased all the tools, implements, dredge-boats, and other property of the Mississippi and Mexican Gulf Ship Canal Company and assumed the draining of the lands mentioned, for by act No. 16 of the year 1876 the city of New Orleans was authorized to purchase the rights and property of the Mississippi and Mexican Gulf Ship Canal Company and its transferee, and to provide for the manner of making said purchase and paying for it in drainage warrants. This statute expressly declared
135 that "the common council of the city of New Orleans is hereby authorized and empowered to contract with the Mississippi and Mexican Gulf Ship Canal Company and the transferee thereof for the purchase and settlement of all or any rights, franchises, and privileges created, authorized, or arising in favor of said company or said transferee under and by virtue of act No. 30 of acts of 1871; also for the purchase and transfer to the city of New Orleans of all tools, implements, machines, boats, and appurtenances belonging to said company or its transferee, and by it or him used for or pertaining to drainage work authorized to be done by said act No. 30." The statute then provided for the appointment of appraisers to estimate the value of the rights and things to be purchased. The powers of the appraisers were to be specially stated in an ordinance, and whenever an agreement should be completed payment should be made "in drainage warrants, to be issued in the same form and manner as those heretofore issued under act No. 30 of acts of 1871;" that such warrants should be payable out of drainage assessments, to be issued whenever an agreement should be completed, and that thereafter the city of New Orleans, through its officers, should have exclusive control of all the rights, powers, and franchises granted by act No. 30 of acts of 1871, relating to drainage or other public works, to the Mississippi and Mexican Gulf Ship Canal Company and its transferee, "and that the city of New Orleans shall alone have the power, either through its own officers or employees or by contracting with the lowest bidder, to do all canaling, dredging, ditching, or drainage work required to be paid for by assessment upon property or from the city treasury," and that
136 the city council should fix the dimensions of all canals, excavations, and protection levees required.

June 7th, 1876, the city of New Orleans bought (by Charles J. Leeds, mayor thereof, duly authorized by ordinances 3479 and 3579, administration series, adopted by the city council April 25th and May 23rd, 1876) and the Mississippi and Mexican Gulf Ship Canal Company sold (by John Matthews, Jr., and Sam'l D. Moody, the president and secretary of that company), and Warner Van Norden consenting thereto, all the right, title, interest, claim, and demands of the Mississippi and Mexican Gulf Ship Canal Company and of Warner Van Norden in and to all rights, franchises, privileges, benefits, and advantages conferred by act No. 30 of 1871, the considera-

tion being three hundred thousand dollars in drainage warrants paid to said Warner Van Norden. This sale was made by public act passed before Gustave Le Gardeur, Jr., notary public.

That contract of sale expressly provides for the payment of all drainage warrants then outstanding, and all parties to it covenanted and agreed that the existing rights and power of the holders of drainage warrants under the several acts mentioned should remain unimpaired, and that the drainage taxes and assessments should be administered, collected, and paid in the following manner: A bureau of drainage collections should be organized in the city hall and a book-keeper appointed by the city council to keep the books and records and to make reports, and perform such other duties as might be required by the administrator of finance and ac-
137 counts. His salary should not exceed two hundred dollars per month and his office should not in any manner obstruct or delay the business of the city hall. He might be removed by the city council for cause or complaint made by the collector. If desired by Van Norden, a duplicate set of books should be kept, subject to the use of the collector, and until the drainage warrants then issued and all other drainage warrants then outstanding should be paid the collecting of drainage assessments should be assigned to an officer to be selected by Van Norden and appointed by the city council, who should give good bond, with sureties in the sum of twenty-five thousand dollars, for the prompt and faithful performance of his duties and for the prompt and efficient collecting of the drainage assessments according to law, subject to the supervision of the administrator of finance and accounts. The person so appointed was to receive three hundred dollars per month and two and a half per cent. commission on collections. He was to prepare monthly reports of his doings and deliver them to the administrator of finance and acccounts. Receipts issued for the payment of the drainage assessments were not to be valid unless countersigned by the administrator of finance and accounts; and the city council might remove this officer and appoint a successor. All charges incurred while collecting the drainage assessments were to be paid out of the drainage fund. All suits and judicial process relating to and pertaining to drainage assessments and taxes were to be continued and controlled by the city council and were to be conducted by the city attorney. All persons indebted for
138 drainage assessments had the right to make payments in drainage warrants at their face value.

In this public act the city of New Orleans expressly contracted not to issue any more drainage warrants until all outstanding warrants should be paid, nor to obstruct or impede, but to facilitate by all lawful means, the collecting of drainage assessments, as provided by law, until all outstanding drainage warrants should be fully paid; also that all work theretofore performed in the draining of the city of New Orleans which had not been measured and certified should be paid for in drainage warrants. It also appears that some of the drainage funds had been applied to purposes other than drainage purposes, and for that cause it was agreed that the city of

New Orleans should issue twenty thousand dollars additional drainage warrants in satisfaction thereof, and both parties released all claims and demands which either party had against the other for all former liabilities.

Pursuing the terms of that contract, John Hardie, the city surveyor, reported to the council of the city of New Orleans, under date May 1st, 1876, that he had made a careful examination of the property of the Mississippi and Mexican Gulf Ship Canal Company, and that he appraised the same item by item and placed the aggregate value of the whole at two hundred and five thousand dollars, less twenty-five per cent. of fifty-one thousand two hundred and fifty dollars deducted, stating the real value of the whole at one hundred and fifty-three thousand seven hundred and fifty dollars. In the same report the same officer set forth what damages were
139 claimed on the part of the Mississippi and Mexican Gulf Ship Canal Company for damages caused by the city's failure to provide work at divers times and places, and these damages were fixed by both parties at the sum of one hundred and forty-six thousand two hundred and fifty dollars, and the city of New Orleans then delivered to Warner Van Norden, the assignee of the Mississippi and Mexican Gulf Ship Canal Company, drainage warrants amounting to the sum of three hundred and twenty thousand dollars, the twenty thousand dollars being paid for some other claims not stated in that report.

The Pleadings.

In the bill of complaint filed in this cause complainant alleges that by several statutes of the State of Louisiana several boards of commissioners were created, to whom power was granted to drain certain lands lying and being in the several cities of New Orleans, Jefferson, and Carrollton.

That said boards of commissioners were authorized to assess the lands mentioned for all money required to pay for the work of draining, to collect the money so assessed, and to apply it to the work of draining.

That said boards of commissioners were granted power to enforce said assessments by judicial proceedings in the courts of the State of Louisiana by procuring judgments against the lands to be drained and the owners thereof for the moneys assessed against them,
140 and to collect said moneys by judicial process as in ordinary judicial proceedings.

That, pursuing the modes and forms prescribed by the statutes, the said several boards of commissioners caused certain judicial proceedings to be instituted in the courts of the State of Louisiana against the lands mentioned and against the owners thereof, and certain taxes for draining the lands mentioned, amounting to a very large sum of money, were assessed against the lands mentioned and against the owners thereof, and that for said assessments divers money judgments were rendered against the lands mentioned and against the owners thereof, amounting to a very large sum ofmoney, which judgments could have been collected and enforced.

That by statute subsequently enacted all the rights and powers granted to said several boards of commissioners were transferred to the defendants and the said boards of commissioners were abolished, and the defendants by express words of the statute were subrogated to all the rights, rights of action, demands, and claims of the said several boards of commissioners and to all the powers to them granted as aforesaid.

That thenceforth the defendants were charged with and were bound to perform *bona fide* all the duties and to exercise all the powers theretofore granted to and vested in said several boards of commissioners.

That the Mississippi and Mexican Gulf Ship Canal Company, a body corporate, being authorized by the State of Louisiana
141 to excavate the canals and to build the levees required to drain the lands mentioned, entered upon that work and, under the direction of the defendants, performed a large part of it, amounting to a very large sum of money, for which defendants paid drainage warrants transferable by endorsement drawn against drainage funds in defendants' treasury.

That complainant, being a *bona fide* holder for value of some of said drainage warrants, presented them to defendants and demanded payment, which was refused, the defendants pretending that there is no money to the credit of the drainage fund.

That complainant procured judgment against defendants, founding his action upon said drainage warrants and on demand made. The defendants still pretend that they have no money to the credit of the drainage fund, and complainant avers that the said judgment remains wholly unsatisfied.

Complainant charges that defendants made no proper efforts to collect and receive the said drainage taxes; that the drainage taxes paid to defendants have been misapplied and converted to the defendants' use; that defendants have paid no drainage taxes assessed against lands owned by defendants, and for which taxes defendants are personally liable; that defendants have not paid other drainage taxes for which they are liable, to wit, drainage taxes due by the cities of Jefferson and Carrollton.

That after the Mississippi and Mexican Gulf Ship Canal Company had finished the greater part of the work of excavating canals and building levees to drain the lands mentioned, and had ex-
142 pended nearly two millions of dollars in that work, the defendants procured power from the State of Louisiana to proceed with and to complete the work of draining the lands mentioned, and to supersede the said Mississippi and Mexican Gulf Ship Canal Company; but that, although defendants had the right and the power to complete the work, defendants neglected to proceed with it, and in consequence of that neglect some of the drainage taxes have not been collected.

The bill prays that an account be taken of all drainage taxes assessed against the lands mentioned; of all drainage taxes paid to defendants; of all drainage taxes that might have been, but which have not been, collected; of all moneys paid by defendants for drain-

age work, and that whatever balance, if any, be found against the defendants be paid to the complainant and to all other persons holding similar drainage warrants who shall intervene in this suit and contribute to the costs and expenses thereof.

The answer puts at issue all the material allegations stated in the bill and pleads payment of all moneys collected by or due by defendants to the said drainage fund.

143 And, considering all of the evidence in the cause, the master finds as proved the facts hereinafter stated as follows, to wit:

I.

That the State of Louisiana created three several boards of commissioners, to whom the State gave power to drain certain lands lying within the city of New Orleans, the city of Jefferson, and the city of Carrollton, and certain other lands in the parish of Jefferson, adjacent to the city of New Orleans, and the said State vested the said several boards of commissioners with all the powers usually granted to bodies corporate.

The said several boards of commissioners were authorized to sue and to be sued, to appoint officers, to purchase and pay for all of the work, labor, and machinery required for draining the lands mentioned, to make rules and by-laws for their own government, and generally to do and perform all things necessary and lawful in the exercise of the powers vested in them.

II.

That the State in creating the said boards of commissioners divided by metes and bounds the lands mentioned into three districts, designating them as "draining districts;" and the said boards of commissioners were directed severally that so soon as any board of commissioners had determined to drain any part of the lands

144 mentioned such lands should be subdivided; that a plan or map of the lands to be drained should be prepared, and that after subdividing the said lands lists of the names of the several and respective owners thereof should be prepared, in which should be stated the number of superficial feet owned by each and all of the owners thereof; that the said lists and plans so prepared should be presented to the several courts of the State having jurisdiction in the premises, and that upon showing to the courts that the owners of the lands described and named in the said lists had been notified as the statute directed said several courts were required to render judgments against the lands mentioned and the owners thereof for the several sums which should be assessed in the manner prescribed by the statute, and that the said judgments should be enforced by the ordinary writs of execution.

III.

That, pursuing strictly the modes and forms prescribed by the statute, the persons appointed as the boards of commissioners for

the first and second draining districts caused to be prepared certain plans of all the lands mentioned in said first and second districts, subdivided them, and the names of the owners thereof and the names of persons holding title to them were stated, and the plans or lists so made were filed in the several courts of the State having jurisdiction in the premises; that after proper notice to all persons concerned, as provided by law, the said lists, called "assess-
145 ment-rolls," were approved and homologated, and valid judgments were rendered against the lands mentioned and the owners thereof, as the same were described and named in the said assessment-rolls, and the said judgments were rendered at the dates hereinafter mentioned, as follows:

In the first draining district for the first installment, namely, ten per cent. of the whole assessment, judgment was rendered March 11th, 1863, and signed March 17th, 1863, with ten per cent. for attorney's fees and costs and interest at six per cent. per annum. For the other nine installments against lands in the same district judgment was rendered March the 21st, 1874. In the second draining district, against lands in the parish of Orleans, judgment was rendered November 11th, 1868, and signed November 15th, 1868, with ten per cent. attorney's fees and costs and interest at six per cent. per annum, and for lands in the same district but lying in the parish of Jefferson judgment was rendered March 15th, 1869, and signed March 23rd, 1869. In the third draining district judgment was rendered November 8th, 1872, and signed November 13th, 1872, with ten per cent. attorney's fees and costs and six per cent. interest from June 11th, 1872.

IV.

That by resolution adopted by the city council of the city of New Orleans February 6th, 1872, certain lands not within any of the draining districts mentioned were created and designated as the fourth draining district, and being so created by proper proceedings had in the proper court the lands were declared subject to a lien and privilege for the expense of draining them; and there-
146 after, upon showing to the court that proper assessment-rolls and maps and proper compliance with all of the other conditions of the statute in that respect provided —, on March 20th, 1873, it was ordered that all persons concerned in the lands mentioned in the fourth draining district do show cause within thirty days why the assessment-rolls should not be approved and homologated; and thereafter, January 30th, 1873, upon proper showing to the court that all of the conditions prescribed by the statute in that respect had been observed and performed, a decree and judgment was rendered against the lands in that district and the owners thereof for the several sums of money assessed against them.

V.

That for the purpose of draining the lands mentioned the said several boards of commissioners proceeded to collect and did collect

and receive from divers persons, owners of the lands so assessed, divers sums of money, amounting in all to the sum of $334,941.62, as follows, from the owners of lands in the first draining district the sum of $77,448.67 and from the owners of lands in the second draining district the sum of $255,492.95, but no account of how this large sum of money has been used and expended by the said board of commissioners or by the said city of New Orleans has been proved except what appears in a report, signed by one W. T. Mayo, put into the cause by the complainants, which report shows that all of the work of draining performed by the said several boards of commissioners did not exceed $117,000.00, and as to the balance,
147 viz., the sum of $218,903.91, nothing appears before the master showing how it was used or expended, though the statute made it the duty of the defendants when the said boards of commissioners were abolished to require them, by suit or otherwise, to account for and to deliver to the city of New Orleans all money not accounted for and not used by them in their capacity as drainage commissioners.

VI.

That thereafter, to wit, on the 24th day of February, 1871, by statute known as act No. 30 of the session acts of 1871, the said State of Louisiana abolished the said several boards of commissioners, subrogated the defendants to all the rights and powers theretofore and then existing in the said several boards of commissioners, and by the same statute all of the duties and liabilities of the said several boards of commissioners were cast upon and were assumed openly by the defendants. Among other things specially provided in that statute the following is stated: "Provided, That the said board (meaning the board of administrators of the city of New Orleans) shall collect the assessments herein authorized in time to provide for the payment of the warrants to be issued to the said company at the date of their issue."

VII.

That, the said boards of commissioners being abolished, the said State of Louisiana, by said act No. 30 of 1871, conferred upon the Mississippi and Gulf Ship Canal Company the exclusive right
148 to excavate canals, to build levees for the purposes of draining the lands mentioned, and to protect them from inundation by water flowing in from the Lake Pontchartrain; and in that statute the State made it the duty of the surveyor or engineer appointed by the city of New Orleans to examine the work that might be done by the said Mississippi and Mexican Gulf Ship Canal Company, to certify the number of yards (cubic) excavated and the number of cubic yards of protection levee built during each preceding month, and to pay for the work at the rate of fifty cents per cubic yard, and made it the duty of the administrator of finance to pay the same whenever there were any funds in the city treasury to the credit of taxes collected for draining purposes, and if there were no

funds for that purpose the administrator of finance was required to endorse upon the warrants the date of presentation, and all such warrants were to bear interest at the rate of eight per cent. per annum until paid.

VIII.

That to provide funds to pay for the work mentioned all persons and all corporations, including the said boards of drainage commissioners, were required to transfer to the board of administrators of the city of New Orleans all moneys, assessments, and claims in their hands or under their control, all titles, books, plans, tableaux, judgments in favor of the said boards of commissioners or either of them to property of every kind and nature to the board of administrators of the city of New Orleans, who were by the terms of that statute subrogated to all of the rights and powers theretofore existing and vesting in the said several boards of com-
149 missioners; and the said board of administrators were authorized to collect and were directed to collect from all of the owners of property the balances due on all assessments for drainage purposes as shown by the books of the first, second, and third draining districts and as assessed under the acts of March, 1858, and of March 17th, 1859, and of the several supplementary and amendatory acts thereto, and all assessments were by the statute confirmed and made exigible at such times and in such manner as the said board of administrators might appoint and designate; and the said board of administrators were commanded to collect the assessments thereon authorized in time to provide for the payment of the warrants to be issued to the said Mississippi and Mexican Gulf Ship Canal Company at the date of their issuing, and to make further assessments, not exceeding two mills per superficial foot, on such other lands as might be brought within the protection of the levees contemplated by this statute where no assessments had been made, and all moneys received in the premises were to be placed to the credit of the Mississippi and Mexican Gulf Ship Canal Company to be held as a fund to be applied only to the drainage of the cities of New Orleans, Jefferson, and Carrollton.

IX.

That, pursuant to the powers granted to the said board of administrators of the city of New Orleans in the said last above-mentioned statute, the common council of the said city of New Orleans, by ordinance adopted April 27th, 1871, declared and ordained that
150 the mayor and the administrator of finance shall be associated with the administrator of improvements as a standing committee on draining, to act until the further pleasure of the council; and it was made the duty of the said committee to prepare plans of the work of draining to be entered upon immediately, and to prepare and report to the council at its first meeting after the adoption of that ordinance what canals and levees or extensions of the then present canals and levees were most urgently required,

and upon the approval of the same by the council the administrator of improvements was authorized to empower the Mississippi and Mexican Gulf Ship Canal Company to enter upon the performance of said work under his direction; that the city council expressly declared and notified the said company in that ordinance that it did not waive its right freely to contract for the work of excavating the canals and erecting the levees required with the said company or with any other party as might thereafter appear to be to the best advantage of the city, and the directing or allowing of the said company to enter upon and to perform any portion of the said work was not to be considered as implying an exclusive right to it to perform or complete or continue the same further or otherwise than during the pleasure of the city council. Among other things it was provided in that ordinance that the surveyor should measure and certify the dimensions of all canals and levees then existing along the line of the works entered upon, so far as the same might form part of the canals and levees to be constructed, to be allowed for by the company in deduction of their measurements of work performed and completed; that the canal work should be measured and certified monthly; that the levee work should be measured and certified
151 monthly, so far as the same should have been shaped and completed and sufficiently dried for the passage thereon of vehicles, it being the intention thereof that the levees should be the full dimensions required after being dried and ready for use, and all payments should be based upon measurements made of them in that condition; that the earth removed from the canals and not required for levee purposes should be the property of the city and disposed of as the city might deem proper; that the city should issue warrants for the payment of the work as required by the said act of the Legislature, and in case of non-realization or non-collection of assessments provided for the same should bear interest at the rate of eight per cent. per annum; that the said warrants were to be issued with the understanding, to be subscribed thereon or endorsed thereon, that they should not be enforced by suit, but if not paid within one year out of the proceeds of the drainage tax and assets they should be fundable in bonds of the city bearing eight per cent. interest, payable semi-annually, having ten years to run, "with provision for retiring the same, payment of interest, and gradual extinction of the principal, the city to have power to sell the said bonds or to give the same in payment of the work performed, but no sale or adjudication to be made at a price less than eighty cents on the dollar, exclusive of interest, but any holder of any fundable warrant, after thirty days, if it were not paid in money, might demand bonds for same at eighty cents on the dollar."

X.

That in pursuance of the said act 30 of 1871 and of the said
152 ordinance of the city council of New Orleans the said Mississippi and Mexican Gulf Ship Canal Company entered upon the work of draining the lands mentioned. They provided dredging machines and other tools proper and necessary for the work and

proceeded to perform the same under the directions and control of the properly constituted and authorized agents and officers of the city of New Orleans, and they so continued to perform the work, which was measured and approved by the proper officers of the city of New Orleans, amounting in all to the sum of two million two hundred and forty-three thousand five hundred and fourteen and $\frac{78}{100}$ dollars ($2,243,514.78), and at that time almost three-fourths of the entire work required in draining the lands mentioned had been performed, and at that time the said Mississippi and Mexican Gulf Ship Canal Company were superseded by the said city of New Orleans, the said city of New Orleans having obtained power and authority and the exclusive right from the State of Louisiana by act 16 of 1876 to continue, carry on, and complete the draining of the lands mentioned.

XI.

That as the work of excavating canals and constructing levees progressed from time to time the city of New Orleans caused the same to be measured by their duly appointed surveyor, who certified the number of cubic feet of canals excavated and of levees constructed and the amount of money due to the Mississippi and Mexican Gulf Ship Canal Company for the same, and, the said certificates being so delivered, the company last named, commencing July 1st, 1871, presented them to the administrator of accounts
153 of the said city of New Orleans, who delivered to the said Mississippi and Mexican Gulf Ship Canal Company warrants on the administrator of finance at the stipulated price for all the work performed, and said warrants were presented from time to time to the administrator of finance, who paid them by exchanging for them gold bonds of the city of New Orleans, drainage series, amounting in all to the sum of one million five hundred and thirty-eight thousand seven hundred and sixty-four and $\frac{12}{100}$ dollars (1,538,764.12), the said drainage warrants delivered for said bonds being one million three hundred and seventy-five thousand nine hundred and eighty-four and $\frac{25}{100}$ dollars ($1,375,984.25), and interest thereon amounting to eleven thousand nine hundred and three and $\frac{33}{100}$ dollars ($11,903.33), making the face value of the said drainage warrants one million three hundred and eighty-seven thousand eight hundred and eighty-seven and $\frac{58}{100}$ dollars ($1,387,887.58), said bonds being delivered at the rate of ninety cents on each dollar; but none of said bonds were issued before May 10th, 1872, and after the passage of act No. 73 of 1872.

That at the several times the said drainage warrants were exchanged for gold bonds no intention was manifested by the city of New Orleans nor by any financial agent thereof to treat said bonds as payment of the judgments then outstanding against the city of New Orleans for assessments levied against the streets, public places, and private property owned or held by the said city of New Orleans, but it was the intention of the city of New Orleans to pay for the work which had been performed by the said Mississippi and Mexican Gulf Ship Canal Company.

154 XII.

That the said city of New Orleans received power to continue the draining of the lands mentioned, and to purchase all of the rights and powers granted to the said Mississippi and Mexican Gulf Ship Canal Company, and all of the plant, including the steam-dredges, tools, and implements of that company, and the said city of New Orleans entered into negotiations with that company to effect a complete purchase of the same, and did, on the seventh day of June, 1876, complete a contract for that purpose, and did purchase all of the right, title, interest, claim, and demand of the said Mississippi and Mexican Gulf Ship Canal Company, and of Warner Van Norden, the transferee thereof, in and to all privileges, interest, claim, franchises, contract advantages of every name, nature, and kind, and of all the personal property of the said Mississippi and Mexican Gulf Ship Canal Company, including seven steam-dredges, four derricks, one steam-tug, one barge for floating derricks, one floating boarding-house, and other miscellaneous property, including all the tools and other things used in the work of draining, the consideration being the sum of three hundred thousand dollars ($300,000.00), paid in drainage warrants; that in the said contract of sale and purchase the said city of New Orleans expressly agreed that all of the drainage assessments then outstanding should be collected by an officer to be selected by the said Warner Van Norden, to be confirmed by the said city council, who should be subject to the administrator of finance and of accounts; and after providing for his compensation it was agreed that such officer should be continued in office until all drainage war-
155 rants then or theretofore issued should be paid; and that all receipts for drainage taxes should be countersigned by the administrator of finance; and that the said city council might remove that officer for good cause and appoint his successor; and that all fees and charges incurred in collecting said drainage taxes should be paid out of the drainage fund; and that all suits, judicial process, and writs relating to or pertaining to said drainage assessments and drainage taxes should be continued and controlled by the said city council and conducted by the city attorney as required by law and by the judgment of the courts; and that all persons owing drainage assessments should have the right to pay them in drainage warrants at their face value, with interest, to the city of New Orleans; and the city of New Orleans was expressly bound by that contract to issue no drainage warrants until all drainage warrants then outstanding should be paid; and that the city of New Orleans would neither impede nor obstruct the collecting of the said drainage warrants and assessments, but, on the contrary, would facilitate by all lawful means the collecting of all the drainage assessments as provided by law; and that the collecting of the said drainage assessments should not be diverted under any pretext whatsoever.

XIII.

That the said city of New Orleans delivered to the said Warner Van Norden drainage warrants to the amount of three hundred thousand dollars ($300,000.00) as aforesaid, and received and took possession of all of the dredge-boats mentioned, all of the im-
156 plements and tools, and other property of the said Mississippi and Mexican Gulf Ship Canal Company.

XIV.

That thereafter the city of New Orleans allowed all the canals which had been excavated and which were being used for the draining of the lands mentioned to fill up and become of no use, and the defendants either had cut or allowed the said levees in one or more places to be cut; and the defendants neglected to continue the draining of the lands mentioned, and abandoned the draining thereof completely and allowed all the work that had been done in that respect to become useless and of no value, and all the dredge-boats, tools, and implements so purchased by the city of New Orleans from the Mississippi and Mexican Gulf Ship Canal Company were allowed to rot and rust and decay and become worthless, and a large part of the lands which had been drained were inundated and overflowed in consequence of the neglect and disregard of the said city of New Orleans.

XV.

That the system of draining the lands mentioned, as devised by the late W. H. Bell, surveyor of the city of New Orleans, would have accomplished the purposes for which it was designed if it had been continued and carried out *bona fide* by the city of New Orleans under the powers expressly granted to the city of New Or-
157 leans. The said lands could have been drained and all overflow and inundation prevented, and all of the lands would now be of great value, and the assessments so levied and the drainage taxes so assessed against the lands mentioned could and would have been in almost every instance collected.

XVI.

The city of New Orleans procured from the State—

1st. An amendment to the State constitution forbidding any increase of the municipal debt after January 1st, 1875.

2nd. The right to absorb by purchase all the franchises, powers, privileges, and property of the Mississippi and Mexican Gulf Ship Canal Company.

3rd. The exclusive right to complete the draining of all the lands to be drained.

4th. The exclusive right to excavate all canals and to build all levees required to complete the draining of the lands mentioned, and entered into possession of all the property of said Mississippi and Mexican Gulf Ship Canal Company.

5th. The common council of the city of New Orleans, by divers proclamations addressed to the owners of lands assessed for drainage taxes, advised, directed, and counseled the owners of said lands not to pay the moneys assessed for drainage taxes; that the said city of New Orleans made no *bona fide* efforts to collect the said drainage taxes other than providing an office in the city hall where persons might go and pay said drainage taxes.

158 XVII.

The city of New Orleans neglected to preserve the said canals and levees, upon which over two millions of dollars had been expended, in any condition of usefulness, and both canals and levees in that useless condition contributed, in seasons of heavy rains and storms, to inundate and overflow and damage the lands that had been drained, as well as other lands which had not been drained; and this neglect induced the owners of lands assessed for drainage taxes to resist said taxes, and some of the lands so assessed were relieved of the said drainage taxes by judgments of the courts, on the ground that no benefits had been conferred upon the lands assessed.

159 XVIII.

That the moneys assessed for draining the lands mentioned and for which judgments were rendered as aforesaid—that is to say, the lands of divers persons, not including streets, parks, and other public places and lands held by the said cities of Jefferson, Carrollton, and New Orleans—are as follows:

First draining district	$477,883 39	
Second " "	528,416 14	
Third " "	422,572 14	
Fourth " "	215,460 04	
		$1,644,331 71

And against lands owned by the said cities of Jefferson, Carrollton, and New Orleans, as follows:

First draining district	$273,518 41	
Second " "	153,334 31	
Third " "	205,026 79	
Fourth " "	65,956 77	
		697,836 28
		$2,342,167 99

Deducting Credits.

Assessments collected by the several boards of commissioners, as follows:

First draining district	$79,448 67	
Second " "	255,492 95	
		$334,941 62

Add asylum lands bought in for the amount ass'd against them	171,239 11	
Add assessments remitted by the statute	136,350 10	
Add assessments paid by the city of New Orleans in cash	70,159 90	
Add assessments paid in drainage warrants	203,241 95	
	$915,932 68	915,932 68
		$1,426,235 31
Interest averaged for 16 years, at 6% per annum, say from 1873 to date		1,369,185 89
To the credit of drainage fund, New Orleans, April 9th, 1889		$2,795,421 20

160 XIX.

Assessments received by the defendants as follows:

Paid defendants by drainage taxes:		
First drainage district	$72,296 48	
1871 to 1878:		
First draining district	18,415 42	
1876 to 1888:		
Second draining district	25,014 65	
1871 to 1876:		
Second draining district	17,610 65	
1876 to 1888:		
Third draining district	69,974 30	
1871 to 1876:		
Third draining district	30,144 35	
1876 to 1888:		
Fourth draining district	21,956 70	
1873 to 1876:		
Fourth draining district	17,989 30	
	$273,401 85	
Add interest, attorneys' fees, &c., paid defendants	91,194 75	
		$364,596 60
Paid cash for warrants	$23,665 59	23,665 59
Balance to be accounted for		$240,931 01

161 And upon the facts found as aforesaid the master declare the law as follows:

1st. That the defendants being subrogated to the rights and powers granted to the said several boards of commissioners by accepting the subrogation, defendants became bound to observe and to perform *bona fide* all the duties and obligations then resting upon the said several boards of commissioners.

2nd. That, the said several boards of commissioners being charged with a duty to drain and to procure the work of draining the lands mentioned and to pay for the work and machinery needed by assessing the cost thereof upon the lands to be drained, the defendants, by accepting the said subrogation, were bound to drain the lands mentioned by employing and using *bona fide* all the means prescribed by the several statutes approved March 15th, 1858, March 17th, 1859, and March 1st, 1861, and defendants were bound to provide money to pay for the work by the same modes and means the several boards of commissioners were to employ and use for the same purpose.

3rd. That the ordinance known as ordinance 814 of the city of New Orleans, adopted by the common council April 21st, 1871, prescribing the mode and manner of excavating canals and building levees and prescribing the terms and modes of paying for that work by delivery of defendants' bonds in payment thereof, was an undertaking by defendants with the Mississippi and Mexican Gulf Ship Canal Company to pay money for the work from time
162 to time as it should be performed and measured unless no money were received by defendants for drainage taxes, and that so soon as the State authorized defendants to issue the bonds in said ordinance mentioned as payment for the work the said statute and the authority granted therein related back to the enacting of the said ordinance, and said ordinance became and was ratified and confirmed by Legislative will, and so soon as the said Mississippi and Mexican Gulf Ship Canal Company entered upon the work mentioned in said ordinance, to wit, excavating the canals and building the levees mentioned, said ordinance became a completed contract between the defendants and the said Mississippi and Mexican Gulf Ship Canal Company, and by that contract the said Mississippi and Mexican Gulf Ship Canal Company became bound to excavate all canals and to build all levees required to drain the lands mentioned, and the defendants also became bound to pay for all the work mentioned according to the terms stated in said ordinance.

4th. That all work, matters, and things necessary and proper to drain the lands mentioned not within the said undertaking of the said Mississippi and Mexican Gulf Ship Canal Company were to be performed by the defendants without unreasonable delay and were to be paid for by the defendants.

5th. That, being subrogated by legislative authority to all the rights, privileges, franchises, and powers theretofore granted
163 by the State to the said Mississippi and Mexican Gulf Ship Canal Company, defendants accepted the said franchises, rights, privileges, and powers, burdened with and subject to all the obligations and duties then resting upon the said Mississippi and

Mexican Gulf Ship Canal Company in respect thereof, including that company's contract to excavate the canals and to build the levees required to drain the lands mentioned, because the law will not allow two or more corporations to make any contract or to adopt any scheme the effect whereof is to allow one of them to evade obligations or duties in which third parties or the public generally have acquired vested rights, and the holders of the drainage warrants mentioned in complainant's bill of complaint acquired vested rights in the drainage of the lands mentioned and in the drainage taxes to be assessed against said lands, which rights cannot be impaired, directly or indirectly, by express statute of the State of Louisiana, nor by the defendants' neglect of duty, nor by defendants' disregard of their contract obligations with the Mississippi and Mexican Gulf Ship Canal Company.

6th. That defendants, having accepted from the State of Louisiana the exclusive right to excavate all canals and to build all levees required to complete and perfect the draining of the lands mentioned, were bound by law to complete the same *bona fide;* and they were also bound to collect all assessments lawfully made and all other lawful assessments to be made to provide money to pay
164 all drainage warrants drawn against the said drainage fund, including the warrants delivered by the defendants to the said Mississippi and Mexican Gulf Ship Canal Company on the 7th day of June, 1876.

7th. That defendants having neglected to preserve and keep the canals and levees theretofore excavated and constructed in condition fit and suitable for the purposes and uses for which they were designed, and defendants having abandoned the whole scheme for draining the lands mentioned, the law presumes defendants knew and understood the natural consequences of their neglect and abandonment, and therefore the law charges the defendants with all loss and damages resulting from such natural consequences; and it being proved in the cause that inundation and overflow upon the lands drained, as well as those to be drained, were the natural consequences of defendants' said neglect and abandonment, and that in consequence thereof the value of the lands assessed were greatly reduced, and in consequence thereof the owners thereof resisted the collecting of the drainage taxes and prevented the collecting of a large amount of the outstanding drainage taxes, the defendants cannot now urge the non-payment of said drainage taxes as a reason or cause for having no money to the credit of the drainage fund, because that *were to* permit the defendants to take advantage of their own wrong.

8th. That defendants being vested with the sole power of collecting drainage taxes, and having expressly contracted with the Mississippi and Mexican Gulf Ship Canal Company not to impede but to aid and facilitate the collecting of said drainage taxes, and
165 it being proved in the cause that by divers proclamations directed by defendants to the owners of the lands assessed defendants advised and counseled the said owners not to pay said drainage taxes, the law regards the defendants' conduct in that re-

spect as a fraud committed upon the rights of the holders of drainage warrants, and therefore defendants cannot urge non-payment of the drainage taxes when called to account for them.

9th. That the defendants were bound by law to account with and to pay into said drainage fund the said several sums of money assessed against the defendants' streets, parks, public buildings, public places, and all other lands the title to which were in the city of New Orleans; and it being proved in the cause that the said lands so held and owned by the city of New Orleans were assessed for draining purposes, and that divers taxes were levied against them and against the defendants as owners thereof; and it being also proved in the cause that divers judgments for said drainage taxes so assessed against defendants' lands were rendered against defendants by the courts having jurisdiction thereof for the said drainage taxes; that the said judgments were rendered upon petitions made by the said several boards of commissioners and by the defendants themselves, and that the said judgments, upon petitions made by the defendants themselves, were revived and are now in full force and effect, the defendants must prove that said judgments have been paid and satisfied.

10th. That defendants in delivering their bonds to the said
166 Mississippi and Mexican Gulf Ship Canal Company in exchange for drainage warrants cannot set off said bonds in satisfaction of said judgments, because in delivering said bonds the defendants construed the 13th section of act No. 73 of 1872, approved April 26th, 1872, as directing and authorizing the defendants to make and deliver said bonds in payment of excavations and levees, drainage machinery, and revetments authorized by law and required for protecting the city from overflow and inundation; and, it being proved in the cause that said bonds were delivered for that purpose only, the master declares that the said construction is the true and lawful construction of the statute mentioned, and the defendants must account with the drainage fund for said judgments and interest thereon from the respective dates that said judgments were rendered, and the said drainage fund must be credited with the several amounts of the judgments mentioned, with interest as the law directs, and the same is accordingly done in the account filed herewith and which is made part of this report.

11th That delivering said drainage warrants and expressly agreeing to pay them out of drainage taxes is an undertaking to all persons receiving them that they shall be paid out of drainage taxes, and is also a representation that the drainage taxes shall be collected within a reasonable time.

12th. That the warrants mentioned are payable from drainage taxes. This implies a contract on the part of the defendants
167 that there shall be drainage taxes to pay them, and therefore that drainage taxes shall be collected, and that the money shall be applied to pay them. It means this or it means nothing. If there was no drainage taxes, or if none were collectible, defendants were guilty of an inexcusable fraud in issuing the warrants. Persons who received them had the right to presume defendants

were acting in good faith, and defendants, being now called to show why they do not pay them, shall not be permitted to jump behind an amendment to the State constitution and say, "See, we cannot pay them, because we are forbidden to increase our municipal debt." No system of jurisprudence known among civilized people will permit it. The law is supreme. It is above amendments to constitutions. It goes behind such schemes and commands municipal corporations to respond in damages for their tortions and fraudulent doings. Any constitutional amendment which attempts to screen persons or corporations from responding in damages for torts and frauds is void.

13th. That the amount of drainage taxes uncollected as aforesaid, with ten per cent. for attorney's fees on the same and interest thereon for sixteen years last past at six per cent. per annum, is in law a fund which ought to be in the possession of defendants to the credit of drainage taxes, to be used in paying drainage warrants, and all persons holding said drainage warrants who shall intervene in this cause are entitled to a decree and judgment against the fund and against defendants *pro rata* as the said fund shall bear to the whole amount of drainage warrants.

168 And, having read the foregoing report in the hearing of the counsel for the respective parties on the 9th day of April, 1889, and being requested by the complainant's counsel to state other findings in addition to the facts and the law hereinbefore stated and set forth, the master now finds and states as follows, to wit:

1st. That at the time said act 16 of 1876 became a law, to wit, February 24th, 1876, the defendants possessed power to provide money by taking all assessable property within the jurisdiction of the city of New Orleans to pay for the completing and protecting the draining of all the lands mentioned.

2nd. That before and at the time the defendants purchased all the franchises, privileges, powers, rights, and property of the said Mississippi & Mexican Gulf Ship Canal Company the only limit placed by statute upon defendants' power of taxation is found in section 15 of act 73 of the statutes of 1872, which limit is in the words hereinafter stated as follows: "That the council after the adoption of the estimates shall proceed to levy the annual taxes required, to wit, first, the debt tax, which shall be based upon the detailed estimate of the sinking fund and interest falling due. For all bonds for which no other retiring provision exists by law an estimate shall be included of not less than two nor more than ten per cent. of the face of the bonds outstanding of any of the several issues, which shall be applied to the retiring of bonds offered at the most advantageous rates; no bid to be accepted higher than par and the right reserved to reject all bids. No limit other than herein laid down shall apply to this tax, which is hereby declared a vested right of the bondholders interested.

169 Second. A tax for current city expenses, including police and exclusive of interest and schools. This tax shall in no year exceed one and a quarter per cent. upon the assessed value of real, personal, and mixed property. These taxes shall bear the

name of the year in which they shall be collectible, and the assessment upon which they shall be made shall be termed the assessment for the said years."

3rd. That the value of all assessable property for the year 1876, as shown by defendants' record, amounted to $119,045,515, and a tax of .057 per cent. was levied for that year for current city expenses and a police tax of .042 per cent., leaving .026 per cent. unused taxation for that year; and that the value of all assessable property for the year 1877, as shown by defendants' records, amounted to $110,226,433, and a tax of .060 per cent. was levied in that year for current city expenses and the police tax of .030 per cent., leaving .035 per cent. unused taxation for that year; and that the value of all assessable property for the year 1878, as shown by defendants' records, amounted to $111,147,245, and the tax of .084 per cent. was levied that year for current expenses and police expenses, leaving .041 per cent. unused taxation for that year; and that the value of all assessable property for the year 1879, as shown by defendants' records, amounted to $110,226.438, and that the tax of 1.00 per cent. was levied in that year for current expenses and police expenses, leaving .025 per cent. unused taxation for that year; and that the value of all assessable property for the year 1880, as
170 shown by defendants' records, amounted to $91,117,918, and the tax of .090 per cent. was levied in that year for current city expenses and police expenses, leaving .035 per cent. unused taxation for that year.

4th. That there is no evidence in the cause tending to show that in any year subsequent to the year 1880 the taxes levied by the city of New Orleans to pay current expenses and police expenses of the said city amounted to the said sum of one and a quarter per centum on all taxable property within the said city's jurisdiction, and the law presumes that if said taxation had ever reached the limit of one and a quarter per cent. for the purposes mentioned the defendants would have proved the fact.

5th. That all drainage warrants for work used in excavating canals, building levees, and all other purposes of draining the lands mentioned prior to June 7th, 1876, had been transferred by Warner Van Norden on and before the date last mentioned.

6th. That the drainage taxes levied against the property of the succession of Davidson amounted to the sum of $43,867.97, which carried interest at the rate of six per cent. per annum from December 7th, 1871; that the said taxes and interest were erased and cancelled by judgment of the courts of Louisiana on the ground that the city of New Orleans had abandoned the work and system of draining, and that the lands assessed had received no benefit from the work of draining.

7th. That since the judgment and decree mentioned in the last preceding finding no drainage taxes have been enforced through the courts, because, that judgment and decree being founded upon the fact that no benefits had been conferred upon the lands
171 assessed, the courts have uniformly erased and cancelled drainage taxes whenever it has been made to appear that no benefits have accrued to the lands from draining them.

8th. That the contract of the Mississippi & Mexican Gulf Ship Canal Company made with the city of New Orleans June 7th, 1876, cannot affect the rights of persons who then held outstanding drainage warrants, and therefore all charges for salaries of Guthrie and Mayo and salaries of city surveyors are not allowed as credits against the drainage fund.

9th. That the expenses necessary to complete the draining of the lands mentioned at and after the date that the city superseded the Mississippi & Mexican Gulf Ship Canal Company is in law part of the current expenses of the city of New Orleans.

10th. That the charges made against the drainage fund, as shown by the defendants' records, amounting to $44,118.27 as payments for account of old drainage fund, are not in law charges against the drainage fund, and are to be accounted for by the defendants, because almost all the charges stated and comprising the sum last mentioned are for things and work defendants were bound to do under the expressed terms of the statutes in order to enable the Mississippi & Mexican Gulf Ship Canal Company to proceed with the work of excavating canals and building levees under section 6th of act 30 of 1871.

11th. That the charge of $18,971.00 made against the drainage fund and embraced in the sum last above stated is stated as cash paid Roselius & Phillips for attorneys' fees. It was never paid in cash, but it was paid in consolidated gold bonds, general
172 series. That another charge of $4,444.44 embraced in the same statement as cash paid Judge Walker was never paid in cash, but it was paid in bonds, drainage series.

12th. That defendants have charged against the drainage fund certain sums of money paid divers attorneys, as follows: G. S. Lacey for the first draining district, $6,484.23; also payments to several city attorneys for services rendered in the third draining district, $5,493.20; also G. S. Lacey for attorney's fees, services in the fourth draining district, $4,243.50. The master states as a matter of law that defendants have no right to charge said sums of money against the drainage fund.

13th. That defendants have presented an account showing they have collected $9,885.20 in the third drainage district for attorney's fees. Against this amount defendants have charged $5,493.20 as paid to several city attorneys for services rendered in the third draining district, leaving a balance of $4,392.00 remaining in defendants' possession according to their own admission, and for which defendants must account.

14th. That May 15th, 1883, common council for the city of New Orleans directed a committee to examine into and report what drainage taxes then outstanding could be collected, and in obedience to that direction the said committee reported that at the date last mentioned the sum of $120,000 of then outstanding drainage taxes could be collected.

15th. That the succession of the said Davidson mentioned in the 6th finding herein was solvent and able to pay the said sum of

$43,867.97, and the said drainage taxes mentioned in this
173 finding could have been collected if the defendants had in good faith carried out the work of draining said lands.

16th. That on April 18th, 1881, John Crossly & Sons (L't'd) commenced an action in the circuit court of the United States for the eastern district of Louisiana (case No. 9384) against the city of New Orleans; and again, December 28th, 1881, the same plaintiffs commenced another suit in the civil district court for the parish of Orleans against the city of New Orleans, which suit was removed to the circuit court of the United States and is case No. 9935 of that court; and again, August 24th, 1883, the said John Crossly & Sons (L't'd) commenced another suit (case No. 10337) in the circuit court of the United States for the eastern district of Louisiana against the city of New Orleans, all of which suits are still pending, and they are brought to enforce payment of the drainage warrants issued to the said Mississippi & Mexican Gulf Ship Canal Company and to the said Warner Van Norden, transferee. One of said suits (No. 10337) is brought for the benefit of the said John Crossly & Sons and for all other persons who may intervene for their interest in the fund in question.

And the defendants having presented to the master thirty-eight interrogatories, demanding special findings upon the several subjects embraced in the said interrogatories, the master now finds in answer to each interrogatory as follows:

1st. That warrants were accepted as money with Van Norden's consent in order to realize cash for the warrants, which was realized at a loss of fifteen per cent. (15 %) on the face value of each warrant, and that the sum so realized was about two hundred thou-
174 sand dollars. The city is not liable for assessment paid by said warrants.

2nd. Drainage warrants are mere choses in action. Holders of drainage warrants have only the rights that Van Norden had at the time he transferred them.

3rd. The board of administrators possessed the same rights and remedies that the boards of commissioners possessed.

4th. The city of New Orleans protested against the statute as stated in ordinance 814, but the duties and liabilities of the city of New Orleans were fixed by act 30 of 1871.

5th. Ordinance 814 is valid in law so far as it does not contravene act 30 of 1871.

6th. The Legislature tendered a contract to the Mississippi & Mexican Gulf Ship Canal Company, which became a completed contract when that company entered upon the performance of the work mentioned in the statute.

7th. Act 73 of 1872 enlarged the indebtedness of the city of New Orleans so far as the city of New Orleans was required to issue bonds, pay for excavations, levees, canals, revetments, and other things required in the draining of the city of New Orleans and in preventing overflow and inundation.

8th. $793,675.35 was issued in drainage warrants to February

26th, 1874. There is no evidence tending to show what amount of warrants was issued to February 24th, 1874.

9th. There is no evidence tending to show what amount of drainage warrants was issued to November 8th, 1874, but $1,426,263.62 of drainage warrants were issued to December 31st, 1874. During the months of November and December $70,689.87 were issued, leaving a balance of $1,355,573.75 of draining warrants issued to November 1st, 1874.

175

10th. The city of New Orleans purchased all the privileges, franchises, rights, powers, and property of every kind of the Mississippi & Mexican Gulf Ship Canal Company. All of the liabilities of the Mississippi & Mexican Gulf Ship Canal Company were then shifted upon the city of New Orleans, who then became bound to do whatever the Mississippi & Mexican Gulf Ship Canal Company were bound to do in the way of excavating canals and building levees under act 30 of 1871.

11th. The city of New Orleans had the right to tax all taxable property within its jurisdiction up to one and a quarter per cent. (1¼%) on the assessed value. This rate of taxation was given by statute for current expenses and police purposes. The right was conferred in 1873. The limit mentioned was not reached up to 1880, and there is no evidence tending to show that it was reached after 1880.

The master declares as a matter of law that after the city of New Orleans accepted the franchises, powers, and property of the Mississippi & Mexican Gulf Ship Canal Company the duty of completing the draining of the lands mentioned and protecting them from overflow and inundation—in other words, keeping in good condition all the work that had been done in the way of draining—was one of the duties of the city of New Orleans, and the expenses therefor was thenceforth part of the current expenses of the city.

176

And, as matter of fact, the master states that there was an annual deficit of taxes as levied up to 1880, but that the amount of taxes authorized by law to be levied for current expenses and for police purposes was not reached during the years 1876 to 1880, inclusive.

12th. The city of New Orleans did not exhaust the city's power of taxation for current expenses and police purposes, because every year from 1876 to 1880, inclusive, at least thirty-hundredths ($\frac{30}{100}$) of one per cent. (1%) of taxation on assessable property was unused by the city authorities, and at this rate, for the years mentioned, upon the assessable value of property within the city's jurisdiction, would have amounted to about a million and a half of dollars.

There is no evidence tending to show the amount assessed by the city for current expenses and police purposes after the year 1880.

13th. The most reliable testimony in the case on the subject of the cost of completing the draining of the lands mentioned comes from the late W. H. Bell, who placed the whole amount of money needed for all the work and expenses of every kind at three millions of dollars. His testimony shows that the estimate which he had made was verified by the work performed up to the time that the

city of New Orleans abandoned it. The master therefore adopts the testimony of the said W. H. Bell and disregards the testimony given in the cause by Major Harrod, because his estimates are not founded upon any basis satisfactory to the master.

14th. If the Bell system of draining had been completed by
177 the defendants in good faith all of the lands, including lands north of the Metairie Ridge, in the upper section of the second district, and lands in the fourth district would have been completely drained.

15th. The only reliable evidence before the master as to what would have been the cost of completing the draining from the time the city superseded the Mississippi & Mexican Gulf Ship Canal Company is that of the late W. H. Bell, and therefore the master adopts his testimony as a proper answer to interrogatory XV.

16th. The whole length of reservoir canals and revetment levees as designed by the late W. H. Bell was nineteen thousand nine hundred and seven feet (19,907). Two thousand one hundred and twenty feet were completed up to June, 1876; seventeen thousand eighteen hundred and seventy-seven feet were to be done after that date.

17th. The whole length of the canal and levee from the lake to the river, on the lower side of the city, was estimated at twenty-three thousand one hundred and seventy-four feet, of which sixteen thousand and seventy-four feet were completed in June, 1876.

18th. The canal and levee on the upper side of the city had been completed substantially in June, 1876; very little, if anything, remained to be done upon them.

19th. The lands north of the Metairie Ridge, in the fourth district, in the rear of Claiborne street and in the rear of the second district, were not drained at the time the city of New Orleans superseded the Mississippi & Mexican Gulf Ship Canal Company in the business of draining. The city of New Orleans having neg-
178 lected to proceed with the work of draining, these lands necessarily remain undrained.

20th. The value of the lands mentioned in the last preceding finding has never been greater than it is now; but if the city of New Orleans had prosecuted in good faith the work of draining, these lands would be of much greater value than they are at present.

21st. No evidence has been given tending to show what — the cost of excavating interior canals not stated on the plan known as "Bell's plan of draining."

22nd. The defendants have given no evidence tending to show that any of the bonds of the drainage series were delivered as payment of assessments for drainage taxes levied against the city of New Orleans and against the city of Jefferson and of Carrollton. The statutes uniting the cities of Jefferson and Carrollton with the city of New Orleans expressly declare that the city of New Orleans, as consolidated by the several consolidating statutes, shall be liable for all of the debts existing against the cities of Carrollton and of Jefferson. The master is entirely satisfied that the bonds of the city of New Orleans, as they were delivered from time to time to

Van Norden as the assignee of the Mississippi & Mexican Gulf Ship Canal Company, were intended by the city of New Orleans as payment of the money demanded of the city of New Orleans for the work performed by the Mississippi & Mexican Gulf Ship Canal Company.

23rd. The total value of drainage warrants issued to the Mississippi & Mexican Gulf Ship Company for work performed
179 under act 30 of 1871 is $1,977,734.59. This, of course, does not include $300,000 of drainage warrants delivered to Van Norden in payment of the consideration fixed for the privileges, franchises, powers, rights, demands, and claims of the Mississippi & Mexican Gulf Ship Canal Company, nor does it include the $20,000 of drainage warrants delivered at the same time for another consideration.

24th. The city of New Orleans was liable under the several drainage statutes passed prior to act 30 of 1871 for drainage taxes assessed against the city; but to these assessments must be added the assessments against the city of Jefferson upon property within the city of Jefferson and lands adjacent thereto, because by the express words of the statute uniting the city of Jefferson with the city of New Orleans the city of New Orleans became bound for all debts and liabilities of the city of Jefferson.

25th. The liability of the city under act 30 of 1871 has been fully stated in prior findings, and therefore the master deems it unnecessary to repeat it here.

26th. Inundation on the lands in the lower part of the city, south of the Metairie Ridge, was caused by the defendants neglecting to complete the draining system as set forth in the plan of the late W. H. Bell.

27th. No evidence has been offered tending to show to what extent the Lower Line canal, the Upper Line canal, and the revetment lake shore have been filled up. The master finds as a matter of fact that all interior canals leading to the canals above named, as well as those leading into Lake Pontchartrain, were not cleaned, nor was the water and matter in them pumped out; that all the in-
180 terior canals were allowed to fill up and to become of no use for draining purposes; that the city has never cleaned either the interior canals and the protection and reservoir canal; that the draining machines were allowed to become almost useless.

28th. The upper protection levee was leveled down and cut in several places.

29th. All of the lands drained up to June, 1876, are now and have been for a long time practically undrained, because the defendants neglected to have the canals cleaned and proper machines kept in any condition fit for use.

30th. The amendment to the State constitution appears upon its face to have been made for the benefit of the city of New Orleans, and therefore the law presumes that the city of New Orleans, the person to be benefited by the amendment, procured it.

31st. There is in evidence one proclamation advising the citizens of New Orleans generally not to pay the drainage tax. It is signed by

Joseph A. Shakspeare, and dated April 6th, 1881. It appears to have been issued under a resolution adopted by the common council of the city of New Orleans. The evidence does not show how many times it was published, but the proclamation itself shows that the mayor and common council of the city of New Orleans undertook to advise and counsel the drainage-tax payers not to pay their taxes. The mayor and common council set themselves up publicly as advising the non-payment of the drainage taxes, and the master treats them as giving that advice in their official capacity. There is no evidence tending to show the exact amount of taxes withheld in consequence of this advice. The master presumes as
181 matter of law that all persons who failed to pay their drainage taxes were influenced by the advice and counsel thus given to them by the city council and mayor of the city of New Orleans.

32nd. From the time the city of New Orleans superseded the Mississippi & Mexican Gulf Ship Canal Company in the work of draining nothing was done in the way of collecting drainage taxes but the keeping of an office in the city hall, where any person desiring to pay might go and find an officer ready to take the money. From and after January, 1874, Van Norden employed witness Guthrie to collect drainage taxes, but Guthrie did no more than solicit payment.

Whatever Van Norden testified to will be found in his disposition; therefore the master does not deem it his duty to state what Van Norden testified to in the cause.

33rd. Van Norden had the right to procure further writs of mandamus against the city of New Orleans to force the city's agents to perform their duty in the premises.

34th. The total amount of drainage warrants issued from January, 1871, to the end of June, 1876, is $1,977,734.59.

35th. The defendants' records show drainage warrants outstanding to the present time $681,108.62, not including interest thereon. The warrants carry interest at the rate of eight per cent. (8%); the oldest of these outstanding warrants were issued March 12th, 1875, and the latest June 6th, 1876; but the amount of work performed by the Mississippi & Mexican Gulf Ship Canal Company in building levees and excavating canals, as shown by the defendants' records
182 in the surveyor's office, largely exceed the sum named as drainage warrants issued up to June, 1876.

36th. The drainage warrants now outstanding against the city of New Orleans were given for work performed after January, 1875, and for the purchase of the franchise and property of the Mississippi & Mexican Gulf Ship Canal Co.

37th. No claim has been presented to the master under any drainage warrant issued prior to January, 1875.

38th. The city of New Orleans had power to tax all assessable property within the city's jurisdiction up to one and a quarter per cent. (1¼%) for current expenses and police purposes. Completing the draining of the city of New Orleans being a duty cast upon the city by prior legislation, no subsequent statute nor constitutional

amendment could impair the city's right to provide funds to pay current expenses and for police purposes up to the rate mentioned, namely, one and a quarter per cent. (1¼%). The holders of drainage warrants acquired vested rights under that statute, and any subsequent legislation, statutory or constitutional amendment, impairing such vested rights is void in law.

And the aforesaid findings being completed, the complainant requested the master to find, specially, whether the defendants have at any time availed themselves of the rights reserved in ordinance 814, and thereupon the master finds—

That the city of New Orleans has never indicated any intention or desire to take advantage of any of the rights reserved in ordinance 814.

And on this 23rd day of April, 1889, the defendants tendered evidence to show that the value of the work performed by the
183 Mississippi and Mexican Gulf Ship Canal Company, as taken from the defendants' books and records, is not correct, but that the true value of the said work performed is $1,964,752.80.

And counsel for the respective parties having examined the said master's report, the complainant and defendants filed exceptions to the same, which are herewith returned into court, and, said exceptions being duly considered, the master refuses to change or alter any finding, either of fact or of law, and the said report, being closed and signed, is now returned into court and filed and made a part of the record aforesaid.

(Signed) O. B. SANSUM, *Master.*

Complainant's Exceptions to Master's Report. Filed April 26, 1889.

UNITED STATES OF AMERICA:

Circuit Court of the United States, Eastern District of Louisiana.

JAMES W. PEAKE
vs.
THE CITY OF NEW ORLEANS. } No. 11614.

Exceptions taken by the complainant, on behalf of himself
184 and intervening complainants and such other parties as shall make themselves parties to this cause under the terms contained in the prayer of the bill herein, to the report of O. B. Sansum, Esq., master in chancery, to this honorable court, to whom the said cause was referred under order of Dec. 21st, 1888, for the purposes in said order expressed.

First exception. For that the said master in the 13th finding of fact in his said report doth find and report that the interest due on all the unpaid drainage taxes is for sixteen years, whereas said interest should be reported and stated at the rate of 6% per annum from the following dates on the sums found and reported to be due in each district:

First draining district:

Interest at 6% per annum from the 7th day of December, 1871.

Second draining district:

Interest at 6% per annum from the 11th day of December, 1868.

Third draining district:

Interest at 6% per annum from June 12, 1872.

Fourth draining district:

Interest at 6% per annum from January 30, 1873.

Second exception. For that said master doth report and find in the 12th special finding, made under interrogatories propounded to him by defendant, "that every year from 1876 to 1880, inclusive, at least thirty-hundredths ($\frac{30}{100}$) of one per cent. (1%) of taxation on assessable property was unused by the city authorities, and at this rate for the years mentioned upon the assessable value of property within the city's jurisdiction would have amounted to
185 about a million and a half of dollars," whereas he should have found and reported that $\frac{32}{100}$ of one per cent. of taxation on said assessable property was not assessed and levied on the assessable property within said city, and that at said last-named rate for said years said rate of taxation would have yielded a sum in excess of $2,000,000, and that there is no evidence to show that this rate of taxation on said assessable property might not have been continued for the following five years and yielded a like amount, and that the same might not have continued and yielded like amounts until the drainage system was fully completed and paid for.

(Signed) RICHARD DE GRAY,
Solicitor for Complainant and Intervening Complainant.

Exceptions of Defendant to the Master's Report. Filed May 2, 1889.

JAMES W. PEAKE
vs.
CITY OF NEW ORLEANS. } No. 11614.

The defendant in the above entitled and numbered suit now files the following exceptions to the master's report herein, viz:

1st. The defendant excepts to the 4th finding of the master on pages 51 and 52 of his report that the fourth drainage dis-
186 trict was legally created by resolution of the city council of February 6th, 1872, said drainage district having never been legally created and having never legally existed.

2nd. Defendant excepts to the master's finding on the same pages that a legal and valid drainage assessment was imposed on the land situated in the 4th drainage district, said pretended assessment being illegal, null, and void.

3rd. Defendant excepts to the 6th finding of the master on page

53 of his report that the city of New Orleans was by act #30 of 1871 subrogated to and vested with all the powers and duties of the former boards of commissioners for the 1st, 2nd, and 3rd drainage districts, the city of New Orleans not being by said statute legally vested with the power granted to the boards of drainage commissioners by act #57 of 1861 to enforce the collection of drainage assessments by the summary proceedings provided in that act, and consequently all the proceedings of the city of New Orleans, on the assumption that it possessed such power, are illegal, null, and void.

4th. Defendant excepts to the 9th finding of the master on page 55 of his report to the effect that ordinance 814, adopted by the city council of New Orleans on April 27th, 1871, was adopted pursuant to the powers granted by act #30 of 1871, and also to the 5th finding of the master in answer to the request of defendant for special findings, on page 1 of said special findings, that said ordinance 814 is valid in law in so far as it does not contravene act #30 of 1871, said ordinance 814 being repugnant to act #30 of 1871 and being illegal, null, and void.

187 5th. Defendant excepts to the 10th finding of the master on page 57 of his report that the Mississippi & Mexican Gulf Ship Canal Co. entered on the work of drainage pursuant to said ordinance 814, there being no proof that the said company ever accepted the provisions of said ordinance 814, and the said company having no power under its charter to accept the provisions of said ordinance.

6th. Defendant excepts to the statement of the master in his 8th finding that the work done by said Mississippi & Mexican Gulf Ship Canal Company and Warner Van Norden, transferee, and measured and approved by the city of New Orleans amounted in value to the sum of $2,243,514.78, it being conclusively shown that the exhibit on which this statement was based was erroneous, and that the true value of the work, certified by the surveyor of the city of New Orleans, was only but $1,964,752.80.

7th. Defendant excepts to the statement of the master, also made in his 8th finding on page 58 of his report, that in June, 1876, almost three-fourths ($\frac{3}{4}$) of the entire work required in draining the lands covered by the Bell system of drainage had been accomplished, the estimate of Bell himself and the claim of the plaintiff herein, as well as the other evidence, showing that a far smaller proportion of said drainage work had been done.

8th. Defendant excepts to the statement of the master in his 11th finding on page #59 that the city did not manifest any intention to treat the bonds issued by her in exchange for drainage warrants as payment of the judgments against her for drainage assessments.

188 9th. Defendant excepts to the statement of the master in his 12th finding on page #60 implying that the $300,000.00 of drainage warrants issued to Warner Van Norden on June 7th, 1876, were for machinery and other property then transferred by him to the city, the fact being that only one-half ($\frac{1}{2}$) of such sum was issued for said property and the other half ($\frac{1}{2}$) being issued in satisfaction of claims of Van Norden against the city for damages.

10th. Defendant excepts to the statements of the master in his 14th finding that the drainage works constructed by the Mississippi & Mexican Gulf Ship Canal Company and Van Norden, transferee, prior to June, 1876, were allowed to fill up and become of no use, and that a large part of the lands which had been drained were inundated and overflowed in consequence of such neglect and disregard of the city of New Orleans, no evidence showing that said works were entirely filled up and became of no use, and the evidence showing that the inundations and overflows were due to other causes, viz., incoming of water from Lake Pontchartrain.

11th. Defendant excepts to the statements of the master in his 15th finding on pages 62 and 63 that the system devised by W. H. Bell, surveyor, in his plan, if completed, would have accomplished the drainage of the lands comprehended within it, it being shown that said system, if completed, would not have completed the drainage of said lands, unless numerous expensive additional interior canals had also been constructed.

12th. Defendant excepts to the statement of the master in his 16th finding on page # 53 that the city of New Orleans procured from the State the passage of the constitutional amendment
189 of 1874 and the passage of act # 16 of 1876, there being no evidence whatever to justify this assertion, nor the further assertion in said finding that the city procured the transfer to it by the State of the powers and duties mentioned in the 3rd & 4th paragraphs of said 16th finding.

13th. Defendant excepts to the statement of the master in said 16th finding on page # 63 that the city of New Orleans issued divers proclamations counselling the non-payment of the drainage tax, the evidence showing only one proclamation in that sense.

14th. Defendant excepts to the statement of the master in said 16th finding that the city of New Orleans made no *bona fide* efforts to collect the drainage taxes other than provide an office in the city hall where persons might go and pay their drainage taxes, and to the reiteration of this statement in his finding to the 32nd request of defendant for special findings, on page 8 of said special findings, the evidence showing that the city used all the diligence possible in endeavoring to collect said taxes.

15th. Defendant excepts to the statement of the master in his 17th finding on page 64 that assessments were not paid in consequence of overflow and damage to the lands which had been drained, there being no evidence that any assessments were not paid for such cause.

16th. Defendant excepts to the statement of account made by the master on pages 64 (*a*) and 64 (*b*) for the following reasons, viz:

190 A. Because said account states as still due by the city of New Orleans drainage assessments made against the city of New Orleans and the cities of Jefferson and Carrollton to the amount $697,836.28, the fact being that such assessments were paid and compensated by the issue of gold bonds by the city of New Orleans under act # 73 of 1872 of the face value of $1,538,764.12, whereby

were taken up and extinguished drainage warrants of the face value of $1,375,984.25, in consequence of which issue of gold bonds the assessments aforesaid were extinguished and the city of New Orleans became entitled to a credit against the drainage fund of, at the smallest complication, $678,147.97; said account is erroneous in not stating that the assessments aforesaid were thus extinguished and that the city of New Orleans, as trustee of the drainage assessments, was entitled to said credit; said account is also erroneous in not giving the city of New Orleans credit for the sum of $52,006.65, the expenses incurred by the city of New Orleans as trustee subsequent to 1876 in its efforts to collect the drainage assessments; that if said account on page 64 (*a*) were correctly stated it would show that the drainage assessments against the city of New Orleans and against the cities of Jefferson and Carrollton were paid and extinguished, and that the balance due against the other assessees and debtors of drainage assessments would be only $728,399.63.

17th. Defendant excepts to the account on page # 64*b* of the master's report which states that the city of New Orleans should account for $240,931.01 of assessments collected by it, the
191 fact being that of said sum a part, to wit, $203,241.95, was paid in drainage warrants, which was a proper mode of collecting drainage assessments, as found by the master himself, and the balance of said sum is fully accounted for by the city of New Orleans in the exhibit filed by it showing the amount of its receipts, collections, and disbursements for the drainage fund.

18th. Defendant excepts to the master's 3rd finding of law on pages 65 and 66 of his report to the effect that the above-mentioned ordinance 814 imported a contract between the city of New Orleans and the Mississippi and Mexican Gulf Ship Canal Company, whereby the city bound itself to pay for the drainage works if the same were not paid for by the collection of drainage assessments, and to his further finding that such pretended contract was ratified and confirmed by the Legislature by act # 73 of 1872, and thereby became a completed contract, whereby the said Mississippi & Mexican Gulf Ship Canal Company became bound to excavate all canals and build all levees required to drain the lands mentioned, and the defendant also became bound to pay for all the work mentioned according to the terms stated in said ordinance, the fact being that said ordinance was a mere proposition to pay for the work as the city itself should designate, and being to that extent illegal, null, and void, and never having been ratified or confirmed by the Legislature to any extent whatsoever. Said ordinance did not even purport to tender a contract, and the said act # 73 of 1872 made no reference whatever to any ordinance, there being no consideration for any contract, as supposed by the master to have resulted from said ordinance and from the said act # 73 of 1872.

192 19th. Defendant excepts to the 5th and 6th findings of law of the master, on pages 66 and 67, that the city of New Orleans, under act # 16 of 1876, and the transfer to it by Van Norden, became bound—*quoad* Van Norden and the holders of his warrants—to complete the drainage work so as to give Van Norden's

outstanding warrants a value. The city of New Orleans could never assume such an obligation without increasing its indebtedness, in violation of the constitutional amendment of 1874, then in force, and no such obligation being in fact intended or imposed by said act # 16 or by said transfer.

20th. Defendant excepts to the 7th finding of law on page 78 to the effect that the city of New Orleans is liable for assessments on lands having no value, and which never would have had a value unless they had been drained.

21st. Defendant excepts to the master's 8th finding of law on pages 68 and 69.

22nd. Defendant excepts to the 9th and 10th findings of law on pages 69 and 70 because they make the extinction of assessments against the city of New Orleans dependent on the intentions of the officials of said city in issuing the bonds and not dependent upon the true and legal construction of act # 73 of 1872 and other drainage acts, the city's liability being, in fact, determined by the law and not by the opinions or intentions of its officials in executing the law.

23rd. Defendant excepts to the 11th and 12th findings of law of the master to the effect that the issuance of drainage warrants
193 payable out of drainage taxes is an undertaking that the city will pay them if they are not paid from the collection of said drainage assessments, and to the master's finding that said drainage warrants are not subject to the operation of the constitutional amendment of 1874, which was in force before said drainage warrants were issued.

24th. Defendant excepts to the master's 13th finding of law, to the effect that the city is accountable for the amount of drainage assessments stated by him to be uncollected, with interest, and that the city is to be charged as having such assessments in her possession, the fact being that the city has used due diligence to collect all assessments other than those imposed on herself and the assessments originally due by her having been long since more than paid and compensated, so that the drainage fund is really indebted to the city and not the city to the drainage fund, and the master should so have found.

25th. Defendant excepts to the 1st and 2nd special findings for the complainant and the 38th special finding of the master for the defendant, to the effect that the limit of taxation applicable to the city of New Orleans as to any contract that might result from the transfer to it by Warner Van Norden, transferee of the Mississippi and Mexican Gulf Ship Canal Company, of June 7th, 1876, is found in act 73 of 1872 and not act 33 of 1876, and to his finding that Warner Van Norden, transferee, and the drainage-warrant holders under said transfer of June 7th, 1876, acquired vested rights to the
194 rate of taxation fixed by said act 73 of 1872.

26th. Defendant excepts to the master's 3rd special finding for complainant, based on the above view of the law, as to the unused right of taxation by the city of New Orleans.

27th. Defendant excepts to the 5th special finding for the com-

plainant, to the effect that all warrants issued to Van Norden prior to June 7th, 1876, had been transferred by him before that date.

28th. Defendant excepts to the 6th special finding of the master, as stating erroneously the grounds of the judgment in the Davidson case.

29th. Defendant excepts to the 8th special finding of the master for complainant, disallowing the expenses of the city after June 7th, 1876, in collecting outstanding drainage assessments, the city being entitled to said expenses as trustee as well as under the stipulations of said transfer of June 7th, 1876.

30th. Defendant excepts to the 9th special finding of the master, for complainant, to the effect that the drainage of the lands comprehended within the Bell system became after June 7th, 1876, a part of the current expenses of the city of New Orleans.

31st. Defendant excepts to the 11th, 12th, and 13th special findings of the master for complainant, as disallowing expenses incurred by the city in collecting drainage assessments with which the city is entitled to be credited.

32nd. Defendant excepts to the 14th special finding of the master for the complainant, inasmuch as the report of the committee therein referred to was a mere conjectural and approximate
195 estimate of the collectible outstanding drainage assessments, not an absolute statement.

33rd. Defendant excepts to the 7th special finding of the master for the defendant, to the effect that act #73 of 1872 enlarged the indebtedness of the city of New Orleans, as the act did not and could not in any manner and for any purpose enlarge the city's indebtedness as it then existed.

34th. Defendant excepts to the 10th special finding of the master, to the effect that after the purchase by the city from Van Norden, on June 7th, 1876, the city of New Orleans became bound to complete the scheme of excavation and leveeing contemplated by act #30 of 1871, no such duty being imposed upon the city of New Orleans by any law or by any contract.

35th. Defendant excepts to the 11th and 12th special findings of the master for the defendant, as to the rate of taxation applicable after 1876 and as to the duty of the city to complete the drainage works.

36th. Defendant excepts to the 13th and 15th special findings of the master, rejecting and disregarding the testimony of Major Harrod, a competent surveyor and engineer.

37th. Defendant excepts to the 14th special finding of the master, as to the sufficiency of the Bell system of drainage to drain the land comprehended within it, it being shown that said system was insufficient unless supplemented by a large number of interior canals.

38th. Defendant excepts to the 21st special finding of the
196 master, to the effect that no evidence tending to show the cost of the interior canals required to supplement Bell's plan of drainage has been offered, the cost of said canals having been shown by Major Harrod's testimony.

39th. Defendant excepts to the 22nd special finding of the master, to the effect that the gold bonds issued by the city of New Orleans were intended as payments of a general drainage indebtedness and not as payments for the assessments due by the city of New Orleans, no evidence warranting such finding.

40th. Defendant excepts to the 26th special finding of the master for the defendant, to the effect that the lands in the lower part of the city, south of the Metairie Ridge, were inundated in consequence of the defendant's neglect to operate the drainage system as devised by Bell, the evidence showing that said inundation was caused by the cutting of the Metairie Ridge for the original canals contemplated in Bell's system.

41st. Defendant excepts to the 29th special finding of the master, that all lands drained up to June 7th, 1876, are now practically undrained, there being no evidence whatever to warrant such finding.

42nd. Defendant excepts to the 30th special finding of the master for defendant, to the effect that there is a legal presumption that the city of New Orleans procured the passage of the constitutional amendment of 1874.

43rd. Defendant excepts to the 32nd special finding of the master, as to the character of the efforts by the city to collect the
197 drainage assessments, the evidence showing that the city used all possible diligence, both prior to June 7th, 1876, and subsequent thereto, and employed all the means — to it to enforce said assessments.

44th. Defendant excepts to the statement in the 35th special finding of the master for defendant that the cost of the work, as shown by the records of the surveyor's office, largely exceeded the amount of drainage warrants issued therefor, the fact being, as conclusively shown by the defendant, that the surveyor's records indicate a slightly smaller cost than the total amount of the warrants.

And, finally, defendant excepts to the general result of the said master's report and account on the following grounds:

1st. That the master finds that the drainage assessments against the city of New Orleans were not paid, discharged, and compensated by the gold bonds issued by the city of New Orleans under act 73 of 1872 to the Mississippi & Mexican Gulf Ship Canal Company and to Van Norden, its transferee, in exchange for and in payment of drainage warrants issued to the said company and to said Van Norden for drainage work done under act 30 of 1871, whereas all assessments for which the city was liable were extinquished by the issuance of such bonds.

2nd. That the master finds that by act #16 of 1876 and by the transfer of June 7th, 1876, the city of New Orleans became bound to complete out of her own resources and funds the drainage system commenced prior to that date so as to give to drainage warrants previously issued a value which they otherwise would
198 not have had, and the city was bound to turn over to drainage-warrant holders all such assessments as the completion of the work should render collectible, and to complete the work at her own expense without right of reimbursement from the drainage

assessments, whereas the city incurred no obligation at all to complete said drainage, and if she had assumed the place and obligations of Warner Van Norden, transferee, then she would have been bound to complete only out of such drainage assessments as remained uncollected and would have been entitled to apply such assessments when collected first to the expense of completing the works.

3rd. That the master finds that the city did not use due diligence in her efforts to collect the drainage assessments against assessees other than herself, whereas it is shown that the city did use all the diligence that could be required.

4th. That the master finds that the city of New Orleans is, as trustee, liable for sundry sums collected by her as trustee of the drainage assessments, and that such liability is not compensated by the amount of gold bonds issued by her over and beyond the amount of the assessments against her. The city is legally and equitably entitled to be allowed such compensation.

And defendant prays that the foregoing exceptions be maintained.

(Signed) CARLETON HUNT,
City Attorney.
H. H. HALL,
WHITE & SAUNDERS,
Of Counsel for Defendant.

199 Received April 19th, 1889, and, having considered the same, I adhere to my report and refuse to change any finding therein stated.

New Orleans, April 23rd, 1889.

(Signed) O. B. SANSUM, *Master.*

Hearing and Continuance.

Extract from the Minute Book, April Term, 1889.

NEW ORLEANS, MONDAY, *May* 20, 1889.

Court met pursuant to adjournment.

Present: Hon. Don A. Pardee, circuit judge; Hon. Edward C. Billings, district judge.

JAMES W. PEAKE
vs.
CITY OF NEW ORLEANS. } No. 11614.

This cause came on this day to be heard upon the report of O. B. Sansum, master herein, and the exceptions filed by the complainant and defendant to the same.

Present: Richard De Gray, of counsel for complainant; Thomas J. Semmes, of counsel for Jas. Jackson, intervening complainant; White & Saunder, of counsel for the city of New Orleans; Harry H. Hall, do.; Carleton Hunt, city attorney.

200 Whereupon complainant offered in evidence on behalf of himself and intervening complainants the following:

1. Sketch of draining sections of New Orleans, marked complainant's map 1, O. B. S., ex., with all printed and written notes thereon.

2. Plan of proposed improvement for the lake-shore front, and with all notes, delineations on the same, and marked complainant's map 2, O. B. S., ex.

3. Act of the Legislature of Louisiana, No. 165, of March 15, 1858.

4. Act of the Legislature of Louisiana, No. 191, of March 17, 1859.

5. Act of the Legislature of Louisiana, No. 57, of March 1, 1861.

6. Act of the Legislature of Louisiana, No. 30, promulgated in March, 1871.

7. Ordinance No. 1359, administration series, of the city of New Orleans.

8. Ordinance No. 1372, administration series, of the council of New Orleans.

9. Ordinance No. 1849, administration series, of the council of New Orleans.

10. Resolution of the board of commissioners 1st draining district, dated New Orleans, Sept. 12, 1861, marked assessment 1.

11. Resolution of the board of commissioners 2nd draining district, dated March 11, 1861, marked assessment 2.

12. Ordinance No. 1569, administration series, of the council of the city of New Orleans, marked assessment 3.

13. Ordinance No. 1877, administration series, of the council of the city of New Orleans, marked assessment 4.

201 14. Copies of court proceedings declaring first-mortgage lien and privilege in the 1st draining district, marked Exhibit A and filed with bill of complaint.

15. Copies of court proceedings declaring first-mortgage lien and privilege in the portion of the second draining district in the parish of Jefferson, filed with bill of complainant and marked Exhibit B.

16. Copies of court proceedings declaring first mortgage lien and privilege in that portion of the second draining district lying in parish of Orleans, filed with bill of complainant and marked Exhibit C.

17. Copies of court proceedings declaring first-mortgage lien and privilege in 3rd draining district, filed with complainant's bill and marked Exhibit D.

18. Copies of court proceedings declaring first-mortgage lien and privilege in 4th draining district, filed with bill of complainant and marked Exhibit E.

19. Also copies of the court proceedings homologating the assessment-rolls in each of the aforesaid draining districts, filed with bill of complaint and marked, respectively, A 1, B 1, C 1, D 1, E 1, together with extracts from the assessment-rolls in each of the aforesaid draining districts attached to said court proceedings, except the extracts in said 1st draining district attached to A 1, which are not offered because containing error, the original not being found at the time said extracts were made, but since that time the original of

said assessment-rolls as homologated by the supreme court of
202 Louisiana have been found and extracts therefrom are now offered, being contained in 4 sheets of paper, consisting of 6 pages, each marked by the examiner O. B. S., ex., April 5, 1858.

20. Copies of certificates of recorders of mortgages of the parish- of Orleans and Jefferson of the deposit of plans of land to be drained; also the proceedings reviving the above judgments and other papers annexed to the above exhibits, marked A 1, B 1, C 1, D 1, and E 1, heretofore offered, except the aforesaid erroneous extract.

21. Petition, answer, exceptions, amendments to petition, judgment, execution, and marshal's return in suit No. 10810 of the docket of this court, all being the basis of the present suit.

Also paper marked "account No. 1," filed with said bill of complaint, marked O. B. S., ex., April 6, 1888.

22. Ordinance No. 1574 of the council of the city of New Orleans, administration series.

23. Ordinance No. 1615, administration series, of the council of the city of New Orleans.

24. Copy of contract between J. J. O'Hara and city of New Orleans, filed with bill of complaint.

25. Copy of compromise between said O'Hara and the city of New Orleans, field with bill of complaint.

26. Ordinance No. 2467 of the council of the city of New Orleans, administration series.

27. Ordinance No. 2573, administration series, of the council of the city of New Orleans, and especially the item showing payment of 500 to H. & C. Tyler & Co.

203 28. Certain account of att'y's fees collected in 3rd drainage district, filed with bill of complaint.

29. Certain account of att'y's fees collected by defendant in the 1st drainage district.

30. Certain account of att'ys fees collected by defendant in the fourth drainage district.

31. Statement taken from the ledger of the department finance, city New Orleans, from June, 1871, to Nov., 1877, marked by examiner O. B. S., ex., April 6, 1888.

32. Certain account filed with bill of complaint, marked "account 3," showing amount drainage taxes paid in drainage warrants.

33. Statement showing amounts drainage funds paid W. T. Mayo from July 1, 1876, to June 30, 1881.

34. Deposition of Warner Van Norden before Daniel Seymour, notary public, Feb'y 15, 1887, on file in suit No. 10810 of this court.

35. Act of the Legislature of Louisiana No. 73 of the year 1872.

36. Act of the Legislature of Louisiana No. 16 of the year 1876, approved February 24, 1876.

37. Ordinance of the council of the city of New Orleans No. 3479, administration series.

38. Copy of inventory of effects Mississippi & Mexican Gulf Ship Canal Company, and filed with bill of complaint and marked inventory 1.

39. Ordinance No. 3539 of the council of New Orleans, administration series.

40. Bill of sale and transfer by the Mississippi & Mexican Gulf Ship Canal Company and W. Van Norden, transferee, to city
204 of New Orleans, filed with complainant's bill of complaint and marked "transfer 1."

41. Certified copy of the recording of the judgment of mortgage lien and privilege in first draining district, with certificate of recording judgment of homologation of assessment-rolls in said district, marked O. B. S., ex., April 7, 1888.

42. Certified copy of the recording of judgment of mortgage lien and privilege in the second draining district, parish of Orleans, with certificate of recording judgment of homologation of assessment-rolls in said district for said parish of Orleans, marked respectively O. B. S., ex., April 7, 1888.

43. Certified copy of the recorded judgment of mortgage lien and privilege in the second draining district for the parish of Jefferson, with certified copy of recorded judgment of homologation of assessment-rolls for said portion of said district, together with certified copy of reinscription of said judgment.

44. Certified copy of recorded judgment of mortgage lien and privilege in third draining district, with copy of recorded judgment of homologation.

45. Certified copy of recorded judgment of mortgage lien and privilege in the fourth drainage district, with certified copy of reinscription of same, and also certified copy of recorded judgment of homologation of assessment-rolls in said 4th drainage district.

46. Admission stated in examiner's notes that the late W. H. Bell, late city surveyor, was dead at the time of the examination before said examiner.

205 47. Certified copy of deposition of said W. H. Bell given in suit No. 1306, civil district court, parish of Orleans.

48. Certified copy of evidence of Joseph Collins given in the same case.

49. Statement of all the drainage taxes in all the drainage districts certified to by L. Larouge and initialed O. B. S., ex., April 11, 1888.

50. Last 13 pages certain paper book, marked by examiner O. B. S., ex., April 11, 1888.

51. Also contents of four other paper books, this and the last above purporting to be a statement of drainage taxes unpaid to June 1, 1885.

52. Paper or statement certified by W. T. Mayo, showing drainage taxes assessed against the city of New Orleans in the four drainage districts, marked by examiner O. B. S., ex., April 11, 1888.

53. Ordinance No. 4483, administration series, of the council of the city of New Orleans.

54. Proposals of the city of New Orleans to sell 7 dredge-boats, dated April 11, 1878.

55. Ordinance No. 6741, administration series, of the city of New Orleans.

56. Report D. M. Brosnan, city surveyor of New Orleans, to John Fitzpatrick, dated December 26, 1880.

57. Ordinance No. 6038, council of the city of New Orleans, administration series.

58. Ordinance No. 6396, council of the city of New Orleans, administration series.

206 59. Ordinance No. 6970, council city of New Orleans, administration series, and mayor's proclamation thereunder.

60. Deposition of D. M. Brosnan, taken 11th April, 1888.

61. Deposition of Samuel D. Moody, taken 12 April, 1888.

62. Opinion and judgment of the supreme court of Louisiana "in the matter of the commissioners of the first draining district praying for a homologation of the assessment-rolls," &c., No. 4338, 27 La. Ann., page 20 to 24, and opinion and decree of the Sup. Court U. S., Davidson *vs.* New Orleans, 96 U. S., p. 97 and following, and both as containing in the printed reports and not filed in court.

63. Copy of opposition of Mrs. Rey, filed in seventh district court, parish of Orleans, January 26, 1872.

64. Extract from assessment-rolls, first draining district, made in name of John Davidson.

65. Copy of petition, alternative writ of mandamus, answer, supplemental petition, testimony of W. Van Norden, James Guthrie; state of drainage taxes, filed on the 11th February, 1875; judgment of lower court, Feb'y 16, 1875; motion for a suspensive appeal by defendants, filed Feb'y 27, 1875; motion for appeal by city of New Orleans, with affidavit of Charles J. Leeds, mayor, with opinion and decree of the supreme court of Louisiana in the cause entitled State of Louisiana *ex rel.* W. Van Norden *vs.* Mayor and Administrators of City of New Orleans, No. 7535, supreme court Louisiana, reported in 27 La. Ann., pages 497 to 501.

66. Opinion and decree of supreme court of Louisiana in David-
207 son *vs.* New Orleans, 34 Ann., p. 170, ending 178, as contained in the above report, not filed in court.

67. Notice from the Mississippi and Mexican Gulf Ship Canal Co., dated New Orleans, March 14, 1871, to the council of the city of New Orleans by James O. Noyes, president.

68. Certain extracts from the proceedings council of the city of New Orleans of April 4, 1871.

69. Copy report city surveyor, dated March 23, 1871.

70. Ordinance No. 814, administration series, of council city of New Orleans.

71. Copy deposition of J. O. Noyes, given January 15, 1872, in suit No. 9189, seventh district court.

72. Ordinance No. 820, administration series, of the council of the city of New Orleans.

73. Ordinance 944, administration series, of the city of New Orleans, adopted June 28th, 1871.

74. Copy council proceedings of the city of New Orleans of July 18, 1871, adopting report of Cockrem, administrator of improvements.

75. Ordinance No. 954, administration series, of the council of the city of New Orleans.

76. Ordinance No. 1252, administration series, of the council of the city of New Orleans.

77. Ordinance No. 1362, administration series, of the council of the city of New Orleans.

78. Ordinance No. 1374, administration series, of the council of the city of New Orleans.

79. Ordinance No. 1504, administration series, of the council of the city of New Orleans.

208 80. Ordinance No. 1507, administration series, of the council of the city of New Orleans.

81. Ordinance No. 1563, administration series, of the council of the city of New Orleans.

82. Ordinance No. 2678, administration series, of the council of the city of New Orleans.

83. Ordinance No. 2640, administration series, of the council of the city of New Orleans.

84. Thirteen certain extracts of sale of land purchased by city of New Orleans for the digging, deepening, and widening of the Orleans-street draining canal.

85. Eleven certain extracts of sale of land purchased by the city of New Orleans for the digging, deepening, and widening the Poydras-street canal.

86. Certain deposition of Warner Van Norden, given in suit of U. S. *ex rel.* J. W. Peake *vs.* City of New Orleans, given before Nelson K. McHaig, commissioner, on the 13th and 14th days of February, 1888, with Exhibits A & B thereto attached.

87. Petition of appeal of the city of New Orleans, filed October 3rd, 1863, in the third district court, parish of Orleans, in suit No. 17028, entitled "In the matter of the commissioners of the 1st draining district praying for homologation of assessment-rolls," together with the order of appeal granted thereon, citation issued therein, with sheriff's return on said citation.

88. Statement of work done in the several drainage districts by the Mississippi & Mexican Gulf Ship Canal Company, as per bill book on file in the office of the surveyor of the city of New

209 Orleans, the same being produced by the city of New Orleans under *subpœna duces tecum* in suit No. 10810, on the docket of this court.

89. Deposition of J. L. Newman, taken before O. B. Sansum, examiner, April 14, 1888.

90. Deposition of Ernest Jannet, taken before O. B. Sansum April 14, 1888.

91. The following drainage warrants on behalf of Mary J. Mitchell, executrix, &c., intervening complainant:

92. No. 111, dated June 11, 1875, for $1,000.

93. No. 160, dated September 2, 1875, for $1,000.

94. No. 246, dated January 7, 1876, for $2,000.

95. No. 247, dated January 7, 1876, for $2,000.

96. No. 248, dated January 7, 1876, for $2,000.

97. All on file in suit No. 11551, U. S. circuit court, E. D. La.
98. Act No. 48 of the Legislature of Louisiana of 1877.
99. Act No. 67 of the Legislature of Louisiana of 1877.
Section 42 of the Legislature of Louisiana of 1882.
100. (City charter.)
Section No. 34 of act No. 7 of the Legislature of Louisiana, approved March 16, 1870.
Section No. 5 of act No. 71 of the Legislature of the State of Louisiana, approved March 23, 1874.
101. Deposition of L. Laroque, taken before O. B. Sansum April 23, 1888.
102. Copy of order third district court, parish of Orleans, in suit No. 17028, filed in said court August 1st, 1863.
103. Certificate of the clerk of civil district court of the
210 parish of Orleans of the docket of the late civil district court of the parish of Orleans in suit No. 17028.
104. Certificate of the clerk of the supreme court of Louisiana, showing no appeals filed in that court from 1861 to 1864.
105. Statement of the indebtedness of the city of New Orleans, June 30, 1872.
106. Statement of the indebtedness of the city of New Orleans, December 31, 1872.
107. Statement of the indebtedness of the city of New Orleans, June 30, 1873.
108. Statement of the indebtedness of the city of New Orleans, December 31, 1873.
109. Statement of the indebtedness of the city of New Orleans, June 30, 1874.
110. Statement of the indebtedness of the city of New Orleans, December 31, 1874.
111. Statement of the indebtedness of the city of New Orleans, December 31, 1875.
112. Statement of the indebtedness of the city of New Orleans, June 30, 1876.
113. Statement of the indebtedness of the city of New Orleans, December 31, 1876.
Complainant also offers the following extracts from bills of sale of certain real estate:
114. Gurlo Guibilato to Mutual Loan Building Company.
115. Henry F. Cockburn to M. J. Gunther.
116. T. O. Starke to Henry Legendre.
211 117. Henry Herzog to Jules Guilbitate.
118. Mrs. L. Chaurant to Felix Charel.
119. J. B. Ward & N. N. Negrotto to D. B. Eaulin.
120. J. J. Weckerling to E. Marquez.
121. Mrs. A. Dericourt, Jr., to William Conway.
122. Henry Newman to E. H. Chadwick.
123. Geo. A. Hero to E. H. Chadwick.
124. Denis Cloouy to E. H. Chadwick.
125. W. D. Hoyle to Rebecca Camrayn.
126. Lafon to Chadwick.

127. Santoni to Chadwick.
128. Hoyle to Schulz.
129. John Fitzpatrick to Wm. Gordon.
130. E. Garnet to Robert Upsher.
131. New Orleans Canal & Banking Co. to Geo. L. Bright *et al.*
132. Bradish Johnson to Thomas Higgins, Jr.
133. do. to T. B. Munn, Jr.
134. do. to Louisiana Sugar Refining Co.
135. E. H. Chadwick to Sam. Fox Nichols.
136. Mrs. A. Dericourt, Jr., to Frederick Chateau.
137. Process verbal and map with process stated thereon of auction sales by Myra Clerk Gaines.
138. Court proceedings in State of Louisiana *ex rel.* Geo. B. Bright *vs.* The City of New Orleans, No. —, civil district court, parish of Orleans.
139. Court proceedings in State of Louisiana *ex rel.* Bradish Johnson *vs.* City of New Orleans.
212 140. Opposition of W. O. Denegre to homologation of assessment-rolls in first drainage district.
141. Opposition of Patrick Irwin to homologation of assessment-rolls in 1st drainage district.
142. Opposition of Henrietta Davidson, executrix, to homologation of assessment-rolls in 1st drainage district.
143. Statement furnished by the city of New Orleans showing amounts of original assessments in all the drainage districts (4).
144. Recapitulation of said assessments in said four drainage districts.
145. Statement showing the entire amount of bonds of drainage series issued and delivered, with the names of the parties to whom issued.
146. Statement showing amount of bonds of the drainage series issued to take up drainage warrants.
147. Statement by the city of New Orleans showing at length the entire receipt of drainage taxes, both in cash and drainage warrants, together with the disbursements of said cash.
148. Copy of statement of Shaw, administrator of public accounts, to the city council in 1872.
149. Deposition of J. L. Newman, showing the issue of $\frac{7}{30}$-certificates under ordinance 822, administration series, to Roselius & Phillips, No. 4 to 22, inclusive, and the subsequent surrender of the same by S. D. Moody and P. E. Boyer, and the then issue of warrants for gold bonds of the general series for the amount coming to said warrants taken December 18th, 1888, before O. B. Sansum, examiner.
213 150. Deposition of A. P. Harrison, showing the delivery of said bonds for said warrants.
151. Extract from register of 7-30 certificates, showing the issue of the above certificates to Roselius and Phillipps, taken before O. B. Sansum, examiner, Dec'r 18, 1888.
152. Copy of warrant for gold bond.
153. Copy of memorandum of drainage warrants deposited in the

department of public accounts by J. W. Pearce, &c., dated May 15, 1872, and signed by Benj. F. Flanders, mayor.

154. Copy of receipt by J. W. Pearce, dated May 19, 1872.

155. Copy of order of L. A. Wiltz, mayor, dated New Orleans, July 7, 1874, on the administrator of public accounts to deliver to W. Van Norden $6,000 in new consolidated bonds, drainage series.

156. Receipt of W. Van Norden for warrant for the above $6,000 bonds, drainage series.

157. Ordinance No. 262, council series, of the city of New Orleans.

158. Report of the committee of the city council on drainage, dated 15th May, 1883.

159. Deposition of F. N. Butler, taken before O. B. Sansum, examiner, December 15th, 1888.

160. Deposition of B. R. Forman, taken before O. B. Sansum, examiner, Dec. 15, 1888.

161. Deposition of E. D. Chadwick, taken before O. B. Sansum, examiner, Dec. 15th, 1888.

162. Deposition of Samuel Burchfield, taken before O. B. Sansum, examiner, December 15th, 1888.

163. Deposition of E. C. Palmer, taken before O. B. Sansum, examiner, Dec. 17th, 1888.

164. Statement by F. N. Butler of costs of court and counsel
214 fees paid by John Crossly Sons, Limited, in the revival and preservation of drainage-tax judgments.

165. Statement (newspaper print) of Leche, street commissioner, of the condition of drainage canals and drainage machines.

166. Judgment of James Jackson *vs.* City of New Orleans, No. — on the docket of this hon. court, with execution issued thereon and the return of said marshal on said execution.

167. Certified copies of the docket entries of the supreme court of the State of Louisiana in No. 4338.

168. Deposition of L. J. Fremaux, given before O. B. Sansum, examiner, Dec. 17th, 1888.

169. Report of drainage warrants outstanding and unpaid by L. Laroque.

170. Pleadings and court proceedings in the following cases: John Crossly & Sons, Limited, *vs.* City of New Orleans, No. 9384; The State *ex rel.* John Crossly Son, Limited, *vs.* The City of New Orleans, No. 9935, and John Crossly Sons, Limited, *vs.* City of New Orleans, No. 10337, all in the United States circuit court, eastern district of Louisiana.

171. Statement of all drainage warrants issued up to and including June, 1876.

172. Mortgage certificate in name of Gilbert Lyman.

173. Mayor's report of old canals dug before transfer to the city of New Orleans.

174. Copy of petition to revive judgments — homologation of assessment-rolls in first drainage district by John Crossly & Sons.

175. Statement showing pieces of property in the various
215 drainage districts seized by the sheriff and advertised for sale by said sheriff and the results obtained, certified by A. E. Aubertain, d'y sheriff, under date of May 16, 1888.

176. Agreements before the master of January 30, 1889, as to time for filing exception to master's report.

177. Ordinance No. 2128, A. S., city New Orleans.

And defendant reserved the right to offer evidence on its behalf; and thereupon the cause was argued in part by counsel for complainant, after which the court ordered the cause to go over until to-morrow at 11 a. m.

Complainant's Evidence.

Complainant's maps 1 and 2 to be sent up in the originals, as per stipulation on file.

Acts of the Legislature of Louisiana, No. 165 of March 15, 1858; No. 191 of March 17, 1859; No. 57 of March 1, 1861, and No. 30 of March, 1871, are not to be copied, but are to be found in printed laws and reports, as per stipulation on file.

216 (7.) *Ordinance Number* 1359.

Ordinance creating the 4th draining district and establishing location of protection levees.

MAYORALTY OF NEW ORLEANS,
CITY HALL, *February* 7, 1872.

SEC. 1. Be it ordained by the council of the city of New Orleans, That in addition to the several drainage districts described in an act of the Legislature to provide "for leveeing, draining, and reclaiming swamp lands in certain portions of the parishes of Orleans and Jefferson," approved March 18, 1858, there shall be and is hereby constituted a fourth district or section, to be comprised within the following-described limits or boundaries, viz:

Commencing on the left bank of the River Mississippi, at the point of intersection with Lafayette avenue, thence continuing down said river to the point of intersection with Fisherman's canal; thence running back from said river a distance of 9,900 feet or thereabouts to Bayou Bienvenue and Florida Walk; thence continuing along Florida Walk for a distance of 15,914 feet or thereabouts so as to connect through a curved line of 338 feet additional with Lafayette and People's avenue at a point distant from the Mississippi river of 9,900 feet or thereabouts, and thence along Lafayette avenue to the place of beginning.

SEC. 2. Be it further ordained, That the Lower Line protection levee to connect the Mississippi river with Lake Pontchartrain is established as follows:

217 Commencing on the left bank of the Mississippi river, at the lower limit of the fourth draining section, thence back from said river to the intersection of Bayou Bienvenue and Florida Walk a distance of 9,900 feet or thereabouts; thence on the rear line of said section along Florida Walk to Lafayette and People's avenue a distance of 15,914 feet or thereabouts; thence along People's

avenue to the intersection with Mexico street a distance of 13,434 feet or thereabouts; thence with a northwest bearing for a distance of 3,450 feet or thereabouts to the intersection of Washington avenue and the lake-shore protection levee.

SECT. 3. Be it further ordained, That this ordinance shall take effect from and after its passage.

Adopted by the city council of the city of New Orleans February 6, 1872.

Yeas—Cockrem, Shaw, Delassize, Remick, Lewis, Walton, Bonzano.

(Signed) BENJ. F. FLANDERS, *Mayor.*

(8.) *Ordinance No.* 1372.

MAYORALTY OF NEW ORLEANS,
CITY HALL, *February* 21, 1872.

(1372, administration series.)

An ordinance relative to the drainage of the third drainage district.

218 Be it ordained by the council of the city of New Orleans, That the administrator of public accounts file the plans and tableau of the assessment for the drainage of the third drainage district in the mortgage office and *public* notice in the official journal according to law, announcing that the council will proceed to drain the section, and asking for a first-mortgage lien and privilege in favor of the city of New Orleans in its capacity as administrator of the funds of the drainage districts for the amount now assessed upon such property for its proportion of the cost of draining said section.

Adopted by the council of the city of New Orleans February 20, 1872.

Yeas—Cockram, Shaw, Delassize, Remick, Lewis, Walton, Bonzano.

(Signed) BENJ. F. FLANDERS, *Mayor.*

A true copy.

H. CONQUEST CLARK, *Secretary.*

(9.) *Ordinance No.* 1849.

MAYORALTY OF NEW ORLEANS,
CITY HALL, *November* 6, 1872.

(No. 1849, administration series.)

An ordinance relative to the drainage of the fourth drainage district.

219 Be it ordained by the council of the city of New Orleans, That the administrator of public accounts file the plans and tableau of the assessment for drainage of the fourth drainage

district in the mortgage office and publish notice in the official journal according to law, announcing that the council will proceed to drain this section, and asking for a first-mortgage lien and privilege in favor of the city of New Orleans in its capacity of administrator of the funds of the drainage districts for the amount now assessed upon such property for its proportion of the cost of draining said section.

Adopted by the council of the city of New Orleans November 5, 1872.

Yeas—Cockrem, Shaw, Delassize, Remick, Lewis, Walton, Bonzano.

BENJ. F. FLANDERS, *Mayor.*

A true copy.

H. CONQUEST CLERK, *Secretary.*

10. *Resolution, Marked "Assessment 1."*

COMMISSIONER'S OFFICE, FIRST DRAINING DISTRICT,
NEW ORLEANS, *Sept'r* 12, 1861.

The board met at 5 p. m., Mr. N. E. Bailey in the chair.

Present: Messrs. Bailey, Slawson, and Richards.

The minutes of the last meeting were read and adopted.

The following resolutions were offered and passed, viz:

No. 22. Resolved, That bonds having (20) twenty years to
220 run be issued to the amount of three hundred and fifty thousand (350,000) dollars and bearing interest at the rate of six (6) per cent. per annum.

No. 23. Resolved, That an assessment of three mills and three-tenths be levied upon each superficial or square foot of the lands situated within the limits of the first draining district, one-tenth of said amount to be collected within the ensuing twelve months.

The board adjourned at 9 p. m.

11. *Resolution, Marked "Assessment 2."*

2D DRAINING DISTRICT,
NEW ORLEANS, *March 11th*, 1861.

Regular monthly meeting.

Present: Messrs. L. H. Place, president; Messrs. Lavillbeuvre, Muncaster, and Godwin, com'rs.

On motion, it was—

Resolved, That an assessment of two mills per superficial square foot on all the lands lying within the limits of the second draining district be levied in order to pay the principal and interest of the bonds authorized by act of Legislature to be issued by the board for the purpose of defraying the costs of drainage, and that one-tenth part thereof shall be collected yearly.

The first instalment shall be payable during all the month of

June the present year and the subsequent instalments shall be
221 payable in each year between the first day of April and the first day of June.

(Signed) AUG. S. PHELPS, *Sec.*

12. *Ordinance No.* 1569, *Marked Assessment* 3.

MAYORALTY OF NEW ORLEANS,
CITY HALL, *June 11th*, 1872.

(No. 1569, administration series.)

An ordinance making an assessment upon the lands of the third drainage district.

SECTION 1. Be it ordained by the council of the city of New Orleans, That an assessment of two mills per superficial foot, in accordance with the authorization and direction of the statutes of the State, be, and is hereby, made upon all the lands comprised within the third draining district created and defined by the act of the General Assembly of the State of Louisiana entitled "An act to provide for leveeing, draining, and reclaiming swamp lands in certain portions of the parishes of Orleans and Jefferson," approved March 18th, 1858, and that the assessment-roll prepared by the department of public accounts of the city of New Orleans containing a description of the landed properties embraced in said district, with the names
222 of the owners thereof, so far as known, and all the requisites required by law, herewith submitted to the council, be, and is hereby, adopted as the assessment made upon said land and upon each portion thereof described in said roll and against the owners thereof respectively.

SEC. 2. Be it further ordained, etc., That the ordinance shall take effect from its passage.

Adopted by the council of the city of New Orleans June 11, 1872.

(Signed) BENJ. F. FLANDERS, *Mayor.*

Yeas—Cockrem, Shaw, Delassize, Remick, Lewis, Walton, Bonzano.

13. *Ordinance No.* 1877, *Marked Assessment* 4.

Ordinance 1877, New Orleans, Nov'r 20, 1872, making an assessment on lands of the fourth draining district.

SECTION 1. Be it ordained by the counsel of the city of New Orleans, That an assessment of (2) two mills per superficial foot, in accordance with the authorization and direction of the statutes of the State, be, and is hereby, made upon all the lands comprised within the fourth drainage district, created and defined by the act of the General Assembly of the State of Louisiana entitled "An act

to provide for leveeing, draining, and reclaiming swamp
223 lands in certain portions of the parishes of Orleans and Jefferson," and approved March 18, 1858, and subsequent act No. 30 of the Legislature of 1871, of Febr'y 24, both or either of said statutes; that the assessment-roll prepared by the department of public accounts of the city of New Orleans, containing a description of the landed properties embraced in said district, with the names of the owners thereof, so far as known, and all requisites required by law, herewith submitted to the council, be, and is hereby, adopted as the assessment made upon said land and upon each portion thereof described in said roll and against the owners respectively.

SECTION 2. That this ordinance shall take effect from its passage.

(Signed) BENJ. F. FLANDERS, *Mayor.*

Adopted Nov'r 19, 1872.

Yeas—Cockrem, Shaw, Delassize, Remick, Lewis, Walton, Bonzano.

14. *Copies of Court Proceedings Declaring Mortgage and Lien in First Draining District, Marked Exhibit "A."*

Nos. 16269 and 17028, late 3rd district court, parish of Orleans, transferred to No. 9189, 7th dist. court, parish Orleans, transferred to 25935, superior district court for the parish of Orleans, transferred to No. 5758 of the civil district court, parish of Orleans.

224 To the honorable the third district court of New Orleans:

The petition of the board of commissioners of the first draining district, through its president, N. F. Bailey, respectfully represents that, agreeably to the provisions of an act entitled "An act to provide for leveeing, draining, and reclaiming swamp lands in certain portions of the parishes of Orleans and Jefferson," approved March 18th, 1858, your petitioners have had a plan drawn by G. T. Beauregard, engineer of said draining district, of a certain section of land within the parish of Orleans, described in the advertisements hereunto annexed and made part of this petition; that said plan accurately designates the limits of said section, and as much as possible the subdivision of property therein contained, and the names of the proprietors, and also the divisions and directions of the canals intended to be dug and the places where the steam-engines are to be established; that true copies of said plans were deposited in the office of the recorder of mortgages of the parish of Orleans on the 4th day of May, 1861, and notices inserted in the English and French languages in the New Orleans Commercial Bulletin and in the New Orleans Bee, two newspapers published in the city of New Orleans, once a week during four weeks in succession, announcing that your petitioners were about to proceed to drain said section, describing the place where said plans are deposited, accurately defining the limits of said section and indicating as near as possible the time within which the draining thereof will be completed and the probable cost of said works, all of which will more fully and

accurately appear by reference to the certificate of the re-
225 corder of mortgages of the parish of Orleans, and copies of said New Orleans newspapers containing said notices — herewith filed.

The premises considered, your petitioners are entitled to and now pray this honorable court to render a decree subjecting each portion of the property situated within the limits of said first draining district to a first-mortgage privilege and lien in favor of your petitioners, the board of commissioners of the first draining district, for such amount as may be assessed on it for its proportion of the whole cost of drainage of said section in accordance with the provisions of the statute by which said privilege, lien, and mortgage are created, and interest thereon at the rate of six per centum per annum from the demand thereof; and your petitioners pray for all such other and further aid, relief, and remedy as the nature of their case may require and the law will permit; and they will ever pray, &c.

(Signed) C. ROSELIUS,
Att'y for Petitioners.

Endorsed: No. 16269. Third district court of New Orleans. In the matter of the board of commissioners of the first draining district praying for a decree of mortgage lien and privilege, &c., &c. Filed Aug't 21, 1861. (Signed) A. Denis, d'y cl'k.

Judgment.

Proof having been made of the publications required by
226 law and of the deposit of the plan in the office of the recorder of mortgages of the parish of Orleans by the commissioners of first draining district, agreeably to the provisions of law, it is hereby ordered, adjudged, and decreed that each portion of the property situated within the limits of the parish of Orleans comprised within the first draining district, beginning at the Mississippi river at Julia St., following said street to the canal of the Canal and Banking Company, following said canal as far as Lake Pontchartrain, along said lake to Bayou St. John, following said bayou to Canal Carondelet, along said canal to St. Peter St., along St. Peter street to the bank of said River Mississippi, and following the bank of the said river to the starting point, be, and the same is hereby, subjected to a first-mortgage lien and privilege in favor of said board of commissioners of the first draining district for such amount as may be assessed on it for its proportion of the whole cost of draining of said section, together with interest thereon, at the rate of six per centum per annum, from demand until final payment.

Judgment rendered and signed August 24th, 1861.

(Signed) R. K. HOWELL,
Judge 6th D. C., Acting in Absence of Judge Fonte.

A true copy.

(Signed) DON GORDON,
D'y Clerk C. D. C.

Petition. Filed Febr'y 5th, 1863.

STATE OF LOUISIANA:

Third District Court for the Parish of Orleans.

227 No. 17028.

In the matter of the commissioners of the first draining district praying for the homologation of assessment-roll, &c.

Petition. Filed Feb'y 5, 1863.

The petition of commissioners of the first draining district respectfully represents that in conformity with the act of the Legislature entitled "An act to provide for the collection of the assessment for draining under the acts of March 18th, 1858, and the act supplementary thereto, of 17th March, 1859, a tableau or assessment-roll of the amount to be paid for draining the property within the said first draining district has been prepared and notice thereof has been given.

That petitioners herewith present a copy of said assessment to be filed in this honorable court.

That in the said assessment-roll the property assessed is set forth, together with the amounts assessed and the names of the owners thereof as far as known, and in case the owner or owners are unknown said fact is stated; all of which, together with other necessary particulars, will more fully appear by reference to said copy of the assessment-roll herewith exhibited and filed.

Your petitioners therefore respectfully pray that, in pursuance to said act of the Legislature, it may please the court to order that all persons whom it may concern do show cause within thirty days from the first publication of said order, if any they have, why said assessment-roll should not be approved and homologated.

228 That said order be published in the English and French languages in the Daily Delta and the New Orleans Bee newspapers twice each week for thirty days, and that, after due proceedings had, judgment be rendered approving and homologating said assessment-roll, to operate as a judgment against the property assessed and the owner or owners thereof for the amount of the assessment, with ten per cent., in addition to the amount assessed, to pay costs and counsel fees, the whole according to the acts of the Legislature aforesaid, found at pages 43 and 44 of the printed session acts of 1861.

And your petitioners pray for all such other and further aid, relief, and remedy as the nature of the case may require and the law will permit.

And, as in duty bound, they will every pray, &c., &c.

(Signed) C. ROSELIUS,
Att'y for Petitioners.

Order of Homologation and Judgment.

STATE OF LOUISIANA:

Third District Court for the Parish of Orleans.

No. 17028.

In the matter of the commissioners of the first draining district praying for the homologation of the assessment-roll.

Order of homologation and judgment, rendered March 11, '63.

On motion of Christian Roselius, Esq., of counsel for petitioners, and on producing to the court due proof of the publication of notices to all persons interested to show cause, if any they have, why said assessment-roll filed by said commissioners should
229 not be approved and homologated *was* made, according to law—

It is now ordered, adjudged, and decreed that said report be approved and homologated as far as not opposed, and to operate as a judgment against the property assessed or the owner or owners thereof, with ten per cent. in addition to the amount assessed—costs of counsel fees—according to act of Legislature.

Rendered March 11th, 1863.

Signed March 16, 1863.

(Signed) E. HEESTAND, *Judge.*

I do hereby certify pages five, six, and seven of the foregoing pages contain a true and correct copy of a certified copy thereof to be found in record No. 7063, of the supreme court of the State of Louisiana, in suit entitled New Orleans Canal and Banking Company *vs.* The City of New Orleans, on appeal from the sixth district, parish of Orleans, wherein the same was offered and filed, and the original of which cannot be found among the records of the late courts transferred to the civil district court of the parish of Orleans.

(Signed) DON GORDON,
D'y Clerk Civil District Court.

No. 9189, late seventh district court, transferred with No. 16269 of the late 3rd district court, transferred to 29935, superior dist. court, transferred to the civil district court, No. 5758, parish of Orleans. Filed April 6, 1882.

Petition No. 9189.

230 In the matter of the commissioners of the first draining district praying for a decree, etc.

Petition of the city and administrators of New Orleans praying for the homologation of the assessment-roll for said district.

Seventh District Court for the Parish of Orleans.

No. —.

To the Hon. T. W. Collins, judge:

The petition of the city of New Orleans and the administrators thereof, composed of Benjamin F. Flanders, president, and John S. Walton, Alfred Shaw, Louis T. Delassize, Hubert Bonzano, James Lewis, John Cockrane, and F. C. Remick, residing in said city and parish, all of said petitioners appearing as the representatives of the persons assessed for the payment of the expenses of leveeing and draining of the first draining district, and representing also the interests of the State of Louisiana and of said city, and herein proceeding for the use of the persons and corporations represented as aforesaid, respectfully represents—

That in conformity with the act of the General Assembly of this State entitled "An act to provide for the collection of the assessments for drainage under the acts of March 18, 1858, and the act supplementary thereto, of March 17, 1859," a tableau or assessment-roll of the amount to be paid for draining the property within the first draining district, within the parish of Orleans, from the second to the tenth annual instalment, inclusive, has been prepared and notice thereof duly given; that your petitioners herewith pre-
231 sent a copy of said assessment-roll, to be filed herewith in this court; that in said assessment-roll the property assessed is set forth and described, together with the amounts assessed and the names of the owners thereof as far as known, and in case the owner or owners are unknown said fact is stated; all of which, together with other necessary particulars, will more fully appear by reference to said copy, herewith exhibited and filed and contained in a folio volume marked "B," consisting of three subdivisions, the first entitled "Book No. 1 B;" the second, "Book No. 2 B;" the third, "Book No. 3 B," together with a recapitulation.

That said assessments have been open for the inspection of the persons whose property was assessed for many months, and said persons were notified duly by public advertisement, but they have neglected to pay the amount due by them respectively to the common fund of all, as set forth in said assessment-roll.

That your petitioners, herein appearing in the capacity aforesaid, have been, by act of the General Assembly of the State entitled "An act to provide for the drainage of New Orleans," numbered 30 of the acts of the session of 1871, subrogated to all the rights,

powers, and facilities possessed and enjoyed by the commissioners of the several draining districts, or of any other corporation charged with the duty of draining and leveeing within the limits of the city of New Orleans and Carrollton, and authorized and directed to collect the balance due on the assessments as shown by the books of the first, second, and third draining districts under the acts of March 18, 1868, March 17, 1859, and the several supplementary and amendatory acts thereto, and directed to execute and
232 enforce the said assessments according to existing laws, which said assessments are by said act of 1871 declared to be confirmed and made exigible.

Your petitioners therefore pray that it may please the court to order that all persons whom it may concern do show cause within thirty days from the first publication of said order, if any they have, why said assessment-roll should not be approved and homologated; that said order be published in the English and French languages in the official journal twice each week for thirty days, and that, after due proceedings had, judgment be rendered approving and homologating said assessment-roll, to operate as a judgment against the property assessed and the owners thereof respectively—that is to say, a judgment against each property described in said assessment-roll for the amount assessed against it and remaining unpaid, and against the owner or owners of each property set forth in said roll for the amount assessed against his or their property respectively for the purpose of defraying the expenses of the draining and leveeing the said first district, as contemplated by law and by the acts of the Legislature aforesaid, with ten per centum in addition to the amount assessed, to pay costs and counsel fees, and six per centum per annum interest on each amount assessed from the date of the assessment, in accordance with law.

And your petitioners pray for all general and equitable relief; and, as in duty bound, etc., etc.

(Signed) RUFUS WAPLES,
Attorney for Petitioners.

Endorsed: "Seventh district court, parish of Orleans. No.
233 9189. In the matter of the commissioners of the first draining district praying for a decree, etc., etc. Petition of the city and administrators of New Orleans for the homologation of the assessment-roll for said district for the annual instalments from the second to the tenth, inclusive. Filed Dec. 7th, 1871. H. J. Dussor, d'y cl'k."

Judgment.

Judgment entered 15th April, 1872.

For the reasons this day assigned in writing and filed herein it is ordered and decreed that the motion to homologate the tableau and assessment filed herein on the 7th December, 1871, be refused; that said tableau and assessment be vacated and rejected, and that plaintiff have leave and the right be reserved to said plaintiff to

present a new tableau and assessment according to law and to demand the reimbursement of the actual and lawful costs of establishing the draining district from time to time as the work shall have actually progressed. It is further ordered that the city of New Orleans be condemned to pay the costs of these proceedings to date.

Judgment signed 19th April, 1872.

(Signed) T. WHARTON COLLINS, *Judge.*

A true copy.
(Signed) DON GORDON, *D'y Clerk.*

Motion.

In the matter of the board of commissioners of the first draining district, praying, etc.

234 Seventh District Court, Parish of Orleans.

On motion of Rufus Waples, attorney for the city of New Orleans, the petitioner for the homologation of the assessment-roll herein filed, and on suggesting that said petitioner feels aggrieved by the final judgment rendered herein on the 15th and and signed on the 19th inst. against your petitioner, and that there is error in said judgment to the prejudice of said city and those by it represented, and on further suggesting that said city is desirous of appealing from said judgment and to suspend its operation pending said appeal, it is—

Ordered, That suspensive appeal be granted to the city of New Orleans, returnable to the supreme court on the third Monday of May next, the time being insufficient to prepare the record for the first Monday of May, the city of New Orleans being exempt by law from giving bond and security on appeals.

Endorsed: "9189. 7th dist. court. In the matter of the commissioners of first draining dist., praying, &c. Motion of appeal. Filed 19th April, 1872. Gasp. Janin, d'y cl'k."

A true copy.
(Signed) DON GORDON, *D'y Cl'k.*

No. 9189, seventh district court, parish of Orleans, transferred to No. 25395, third district, parish of Orleans, and from that court transferred to the superior district court, parish of Orleans, and from the last-named court transferred to No. 5758, civil district court, parish of Orleans.

235 *Judgment Homologating Assessment-Roll.*

Decree of Supreme Court.

Superior District Court, Parish of Orleans.

Extract from the Minutes of Saturday, March, 21st, 1874.

Present: The Hon. Jacob Hawkins, judge.

In the matter of the commissioners of the first draining district praying for homologation of tableau, &c.

No. 25935.

Superior District Court.

In this case, an appeal having been taken to the supreme court of La., the decree of said court was this day filed and ordered to be recorded, and is as follows:

It is therefore ordered that the judgments appealed from be reversed, and that the oppositions herein be dismissed at the costs of the opponents respectively.

And it is further ordered that the assessment-roll herein, except that portion designated in Book 2 B on said roll, be, and is hereby, approved and homologated, and this approval and homologation shall operate as a judgment against the property described as assessed in said roll and also against the owner or owners thereof, with 10% in addition to the amount assessed to pay costs and counsel fees.

The case having been reopened on rehearing for certain restricted purposes, the following amendatory decree was rendered on the 9th February, 1874:

236 It is therefore ordered that the rehearing asked for by the estate of Davidson be refused; and it is further ordered that our decree be amended by striking therefrom the phrase "except the portion designated in Book No. B;" that the said portion of the assessment-roll be embraced in this judgment of homologation, and that as thus amended the said decree remain undisturbed.

I, Don Gordon, deputy clerk of the civil district court of the parish of Orleans, do hereby certify that the foregoing pages, to wit, one, two, three, and four, are true copies of the original on file in the clerk's office, civil district court, parish of Orleans; that pages 5, 6, and 7 are true and correct copies of a certified copy of the original to be found in the record No. 7063 of the supreme court of Louisiana, the original being missing from said office; that pages 8, 9, 10, 11, 12, and 13 are true and correct copies of the originals on file in clerk's office; that pages 14 and 15 are true and correct copies of a certified copy of the original to be found in record No. 7063 of the supreme court of Louisiana, the original being missing from said office, and that no answers or oppositions were filed to any of the above proceedings by the city of New Orleans, as appears from the

several dockets of the several late courts in which said proceedings were had; and I do further certify that said foregoing judgments are final and executory, and that the copy of assessment-rolls referred to in said foregoing judgments homologating said assessment-rolls cannot be found in said clerk's office, and in lieu thereof I annex hereto a duly certified copy of extract for said original assess-
237 ment-roll, duly certified to by W. T. Mayo, book-keeper, city hall, and dated December 13, 1886, and marked O K 1 and O K 2.

(Signed) DON GORDON,
[L. S.] *D'y Clerk, Civil District Court, Parish of Orleans.*

Receipt of Recorder of Mortgages Referred to in Foregoing Petition, Filed August 24, 1861, *in Foregoing Pages* 1 *and* 2.

Original.

Received from the draining commissioners of the first draining district a plan and tableau of the first draining section of this city, comprised within the limits commencing at the Mississippi river and Julia street, following Julia street to the canal of the canal and banking company; along said canal to Lake Pontchartrain; along said lake to the Bayou St. John; along said bayou to Canal Carondelet; along said canal to St. Peter street; along said street to the river; along the river bank to the place of beginning, which plan and eight volumes of tableau are hereby deposited in accordance with the seventh section of the act of the Legislature of Louisiana, approved March 18th, 1858, and amendments thereto, approved March 17th, 1859.

(Signed) EMILE LE SERE, *Rec.*

New Orleans, May 4, 1861.

Endorsed: Receipt for tableau and plan of 1st draining
238 district N. Orleans. Deposited in mortgage office May 4, 1861. 15846. Filed Aug't 24, 1861. A. Denis, d'y cl'k.

(The above is now No. 5758, civil dist. court.) A true copy of the original under the above No., civil district court.

(Signed) DON GORDON,
D'y Clerk C. D. Court.

Proof Publication Referred to in Foregoing Judgment of Aug. 24, 1861, *in Foregoing Pages* 3 *and* 4.

STATE OF LOUISIANA:

Third District Court of New Orleans.

In the matter of the board of commissioners of the first draining district.

No. 15846, now No. 5758, C. D. court.

A. Denis, being duly sworn, says that the notices of the board of

commissioners of the first draining district that they will proceed to drain that portion of the city of New Orleans comprised in the limits of said first draining district have been published in the French and English languages as follows, to wit: In the New Orleans Commercial Bulletin on the 9th, 13th, 20th, and 27th May, 1861, and in the New Orleans Bee on the 6, 13, 20, and 27 May, 1861.

(Signed) A. DENIS.

Sworn to and subscribed before me August 24, 1861.

(Signed) OSCAR LE BLANC, *D'y Clerk.*

239 No opposition filed.

A. D.

Endorsed: 15846. 3rd dist. court. In the matter of the board of commissioners of the first draining district. Proof of publication. Filed Aug't 24, 1861. A. Denis, d'y clerk.

A true copy.

(Signed) DON GORDON,
D'y Clerk C. D. C.

Order on Foregoing Petition, Filed Feb'y 5th, 1863, Pages 5 and 6 of the Foregoing Pages.

No. 17028 of the docket 3rd district court.

Order annexed to petition.

Upon filing the assessment-roll of the first draining district and on the petition of the commissioners of said district it is ordered that all persons whom it may concern do show cause, if any they have, within thirty days from the first publication of this order why said assessment-roll should not be approved and homologated; and it is further ordered that said order be published in the English and French languages, in the "Daily Delta" and the "New Orleans Bee," newspapers, twice each week for thirty days.

New Orleans, Feb'y 5th, 1863.

(Signed) E. HEESTAND, *Judge.*

Publication.

STATE OF LOUISIANA:

240 Third District Court for the Parish of Orleans.

No. 17028.

In the matter of the commissioners of the first draining district praying for the homologation of assessment-roll, etc., etc.

Notice.

Extract from the Daily Delta, published Feb'y 7, 1863.

STATE OF LOUISIANA:

Third District Court for the Parish of Orleans.

No. 17028.

Notice is hereby given to all persons whom it may concern to show cause, if any they have, within thirty days from the publication of this order why the assessment-roll of the commissioners of the first draining district filed in this case should not be approved and homologated according to law.

(Signed) C. T. BERENS, *Clerk.*

New Orleans, Feb'y 5, 1863.

STATE OF LOUISIANA:

Third District Court for the Parish of Orleans.

No. 17028.

In the matter of the commissioners of the first draining district praying for the homologation of the assessment-roll, etc., etc.

Notice Published in the Daily Delta Feb'y 7th, 1863.

Notice is hereby given to all persons whom it may concern to show cause, if any they have, within thirty days from the publication of this order why the assessment-roll of the commissioners of the first draining district filed in this case should not be approved and homologated according to law.

(Signed) C. F. BEHRANS, *Clerk.*

241 New Orleans, 5th February, 1863.
Feb'y 7, 2taw30d.

STATE OF LOUISIANA:

Third District Court for the Parish of Orleans.

No. 17028.

In the matter of the commissioners of the first draining district praying for the homologation of assessment-roll, etc., etc.

Notice.

STATE OF LOUISIANA:

Third District Court for the Parish of Orleans.

No. 17028.

Notice is hereby given to all persons whom it may concern to show cause, if any they have, within thirty days from the first publication of this order why the assessment-roll of the commissioners of the first draining district filed in this cause should not be approved and homologated according to law.

(Signed) C. F. BERENS, *Clerk.*

New Orleans, Feb'y 5th, 1863.

STATE OF LOUISIANA:

Third District Court for the Parish of Orleans.

No. 17028.

In the matter of the commissioners of the first draining district praying for the homologation of the assessment-roll, etc., etc.

Notice Published in the New Orleans Bee Feb'y 7th, 1863.

Notice is hereby given to all persons whom it may concern to show cause, if any they have, within thirty days from the first
242 publication of this order why the assessment-roll of the commissioners of the first draining district should not be approved and homologated according to law.

New Orleans, Feb'y, 5th, 1863.

(Signed) C. F. BERENS, *Clerk.*

STATE OF LOUISIANA:

Third District Court for the Parish of Orleans.

No. 17028.

In the matter of the commissioners of the first draining district praying for the homologation of assessment-rolls, etc., etc.

Notice in French.

Extract from the New Orleans Bee (L'Abeille de la Nouvelle Orleans), published Feb'y 7, 1863.

ETAT DE LA LOUISIANE:

Troisieme Cour de District Paroisse d'Orleans.

No. 17028.

Avis est donné a tous ceux que cela pent concerner de farre con-

naitre dans les trente pours qui suivront la premere publication de cet ordre, les raisons pour les quelles la tableau d'assessment des Commissaires au premier district de assessehement enregistre dans ceste affaire ne suait pas approuve et homologue conformement a la loi.

(Signe) C. F. BERENS, *Greffier.*

STATE OF LOUISIANA:

Third District Court for the Parish of Orleans.

No. 17028.

In the matter of the commissioners of the first draining district praying for the homologation of the assessment-roll, etc., etc.

243 *Notice in French.*

Published in the New Orleans Bee (L'Abeille de la Nouvelle Orleans) Feb'y 7, 1863.

ETAT DE LA LOUISIANE:

Troisseme Cour de District Paroisse d'Orleans.

No. 17028.

Avis est donne a tous ceux que cela pent concernes de faire connaitre dans les trente jours qui suivront la premiere publications de cet ordre, les raisons pour lesquelles la tableau d'assessment des Commissaires du premier district de dessechement enregistre dans cette affaire ne suait pas approuve et homologue conformement a la loi.

(Signe) C. F. BERENS, *Greffier.*

Proof of Publication.

STATE OF LOUISIANA:

Third District Court for the Parish of Orleans.

No. 17028.

In the matter of the commissioners of the first draining district, etc.

Proof of Publication. Filed March 11, 1863.

Mr. G. Ingram, being duly sworn in open court, says—

The notices to all persons interested in the matter of the commissioners of the first draining district praying for the homologation of assessment-roll, &c., were published in the New Orleans Bee on the 7th Feb'y and for thirty days thereafter in French and English, and also in the Daily Delta for thirty days in French and English, in said newspaper, both of which are published in the city of New Orleans.

244 Extract from Minutes Seventh District Court of December 5, 1871.

Motion and Order to File Record. Filed Dec. 5, 1871.

STATE OF LOUISIANA.

Seventh District Court for the Parish of Orleans.

No. 9189.

In the matter of the commissioners of the first draining district, praying, etc.

Motion and order to file record.

On motion of Rufus Waples, attorney for the city of New Orleans, and of the administrators thereof, as collectors of the assessments in the first drainage district, and on suggesting that he herewith presents the record 16269 of the late third district court of New Orleans, and on further suggesting that it contains proceedings on which the judgment — decreeing mortgage and privilege on the property to be drained in said district, and therefore properly forms the basis of the proceedings heretofore had in the above-entitled case, it is ordered—

That the record herewith presented, transferred from the third district court, be filed in this court in the case No. 9189.

(*Order Granted on Petition. Filed Dec. 7th, 1871, Pages 9, 10, and 11 of Foregoing Pages.*)

Order.

Upon the filing of the assessment-roll showing the amounts due by the persons and property assessed in the first draining district within the parish of Orleans from the second to the tenth annual instalment, inclusive, the city and administrators of
245 New Orleans charged with the collection of said amounts and the management of the affairs of said district, it is—

Ordered, That all persons whom it may concern do show cause, if any they have, within thirty days from the first publication of this order, why said assessment-roll should not be approved and homologated.

And it is further ordered that said order be published in the English and French languages in the official journal, the New Orleans Republican newspaper, twice each week for thirty days.

New Orleans, December 7th, 1871.

(Signed) T. WHARTON COLLINS, *Judge.*

Proof of Publication. Filed Jan'y 15, 1872.

Seventh District Court.

No. 9189.

In the matter of the commissioners of the first draining district, praying, &c.

Proof of publication. Filed 15th January, 1872. (Signed) E. James, d'y cl'k.

The undersigned, appointed by the hon. court, expert, and duly sworn in open court to examine the publications of the notices calling on all parties concerned to show cause within thirty days why the assessment-roll herein filed should not be approved and homologated—

246 Reports that the notices were published in the English and French languages, as required by the orders of this court herein made the 7th December, 1871, in the newspaper called the New Orleans Republican on the 10, 14, 20, 23, 27, 29 December, 1871, and on the 2nd, 5, 10, and 11 January, 1872, and twice a week.

Respectfully submitted.

(Signed) E. JAMES,
D'y Clerk 7th District Court.

N. O., January 15, 1872.

Proof of Publication.

STATE OF LOUISIANA:

Seventh District Court for Parish of Orleans.

No. 9189.

In the matter of the commissioners of the first draining district praying for a decree, etc., etc.

Petition of the city and administrators of New Orleans praying for the homologation of the assessment-roll for said district.

Notice.

Published in New Orleans Republican newspaper of the following dates: Dec. 10, 14, 20, 23, 27, and 29, 1871, and Jan'y 2nd, 5, 8, 10, 11, 1872, to show cause why assessment-roll herein should not be approved and homologated.

Order.

Upon the filing of the assessment-roll showing the amounts due by the persons and property assessed in the first draining district within the parish of Orleans from the first to the tenth annual instalment, inclusive, and upon the petition of the city and administrators of New Orleans charged with the collection of said

247 amounts and the management of the affairs of said district—

It is ordered that all persons whom it may concern do show cause, if any they have, within thirty days from the first publication of this order why said assessment-roll should not be approved

& homologated; and it is further ordered that said order be published in the English and French languages in the official journal, "the New Orleans Republican" newspaper, twice each week forthirty days.

New Orleans, Dec'r 7, 1871.

(Signed) T. W. COLLINS, *Judge.*

A true copy.

(Signed) A. D. BERNOUDY, *Clerk.*

ETAT DE LA LOUISIANE:

Septieme Cour de District pour la Paroisse d'Orleans.

No. 9189.

Dans l'affaire des commissaires du premier district de dessechement de maudant un decret, etc. Petition de la ville et des administrateurs de la Nouvelle Orleans demaudant l'homologation du role d'assessment du dit district.

Ordre.

Sur l'enlaissement du role d'assessement deur outrant les moulants, dues par les personnes et les proprietes assessees dans le premier district la dessechement de la paroisse d'Orleans charges de la collection des dits moutants et de la direction des affaires du dit district il est ordonne que toutes les personnes
248 interessees donnent leurs raisons si elles eu ont dans les trente jours suivant la premiere publication de cet ordre pour lesquelles le dit role d'assessement ne surait pas approuve et homoloque et il est en plus ordonne que le dit ordre soit public en anglais et en Francais dans le journal official, le Republicanne de la Nouvelle Orleans, deux fois pas semaine pendant trente jours.

Nouvelle Orleans, le 7 Decembre, 1871.

(Signe) T. WHARTON COLLINS, *Judge.*

Pour copie conforme.

(Signe) A. D. BERNOUDY, *Greffier.*

STATE OF LOUISIANA,
CLERK'S OFFICE, CIVIL DISTRICT COURT,
PARISH OF ORLEANS.

I, Don Gordon, deputy clerk of the civil district court, parish of Orleans, do hereby certify that the foregoing pages 17 and 18 contain true and correct copies of the original on file in the clerk's office of said civil district court, and that pages 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, and 32 contain a true and correct copy of a duly certified copy thereof to be found in record No. 7068 of the supreme court of the State of Louisiana in suit entitled New Orleans Canal & Banking Company *vs.* The City of New Orleans, on appeal from the late sixth district court, parish of Orleans, wherein said originals were offered and filed, and that the originals cannot be found among the records of the late courts transferred to the civil district court of the parish of Orleans nor in said clerk's office of said civil district court.

[L. S.] (Signed) DON GORDON,
D'y Clerk Civil Dist. Court.

249 EXHIBIT MARKED O K 1.

No. 17028.

Assessment-roll of the first draining district. Filed February 5th, 1863. (Signed) C. F. Berens. Rendered March 11th, 1863, & signed March 17th, 1863. (Signed) E. Hiestand, judge.

In the 3rd District Court, New Orleans, La.

Extracts from the original assessment-roll of the first drainage district on file in the comptroller's office, city of New Orleans, of which copy was filed in the 3rd dist. court, parish of Orleans, on the 5th day of February, 1863, in suit No. 17028 of the said court, and homologated by judgment of that court rendered on the 11th and signed on the 17th March, 1863.

250 *City of New Orleans.*

Remarks.		Square.	Lot.	Area.	Amount.
	City of New Orleans	9	3	296	09
	Do.	"	4	1,186	39
	Engine-house No. 7	68	18	4,105	1 35
	Engine-house, Basin St.	123	11	2,775	91
	Bienville school	185	5	8,310	2 74
	Levee ground	1 C	Squ.	23,213	7 66
	Do.	2 C	"	28,422	9 38
	Do.	3 C	"	44,568	14 17
	Do.	4 C	"	43,645	14 40
	Do.	5 C	"	28,574	9 43
	Do.	6 C	"	26,815	8 84
	Do.	1 B	"	26,127	8 62
	Do.	2 B	"	34,325	11 32
	Do.	3 B	"	44,479	14 67
	Do.	4 B	"	43,654	14 40
	Do.	5 B	"	28,584	9 43
	Do.	6 B	"	26,787	8 84
	Lafayette square	176	"	120,713	39 83
	Public school	180	11	15,035	4 96
251	Recorder's court	219	11	6,732	2 22
	Washington artillery	"	29	2,528	83
	Engine-house No. 5, Girod St.	"	30	3,504	1 16
	Do. do.	"	31	2,643	87
	Do. No. 13, Perdido	221	14	2,666	88
	Do. la. hose carriage	"	18	2,817	93
	Poydras market	260	Sq.	13,209	4 35
	Do.	271	"	11,742	3 87
	Fisk school	332	18	3,125	1 03
	Do.	"	19	3,125	1 03
	Do.	"	20	3,125	1 03
	Do.	"	21	3,125	1 03
	Do.	"	22	3,125	1 03
	City of New Orleans	261	12	1,378	45
	Engine-house No. 14	339	11	3,306	1 09
	City hall	220	2, 3, 4	22,302	7 36
	City of New Orleans	470	6	2,975	98
	Do.	"	7	2,975	98
	Do.	"	8	2,975	98
	Do.	"	9	2,975	98
	Do.	"	10	2,975	98
	Do.	"	11	2,975	98
	City park (55 squares)	Various Nos. sqs.		7,369,500	2,431 94
	Work-house	345	Sq.		
	House of refuge	361½	"	267,192	88 17
	Protestant	377	"		
	Cemetery	396	"		
					$2,736 58

Remarks.	Name of streets.	Area.	Amount.
The streets running from the river to Claiborne street are calculated the whole length. " " at intersections are calculated the whole length, less the intersections of other streets.	North half of Julia St. to Rampart	132,441	
	Florida Walk from Rampart to Claiborne	314,550	
	Notre Dame	66,130	
	Girod from Levee to Liberty	234,916	
	Lafayette from Levee to Claiborne	321,695	
	South St. south of Lafayette square	15,732	
	North St. north of Lafayette square	15,733	
	Poydras St. from Levee to Claiborne	565,683	
	Natchez street	19,955	
	Commercial alley	8,184	
	Perdido St. from Levee to Claiborne	161,580	
	Union St. from Levee to Claiborne	36,522	
	Gravier St. from Levee to Claiborne	242,308	
	Cameron St. from Levee to Claiborne	373,684	
	Gasquet St. from Basin to Claiborne	83,634	
	Canal St. from Levee to Claiborne	902,964	
	Custom-House St. from Front to Claiborne	213,213	
	Bienville St. from Clay to Claiborne	197,981	
	Conti St. from New Levee to Claiborne	185,935	
	St. Louis St. from New Levee to Claiborne	183,589	
	Toulouse St. from New Levee to Villere	120,502	
	Jefferson	12,308	
	South half of St. Peter street	45,450	
	Carondelet Walk from Baron to Claiborne	97,955	
	Cypress street from Liberty to Claiborne	95,490	

City of New Orleans—Continued.

Remarks.	Names of streets.	Area.	Amount.
The streets running from the river to Claiborne are calculated the whole length. The streets running at intersections are calculated the whole length, less the intersections of other streets.	Perrilat street from Liberty to Claiborne	52,560	
	Square feet carried over	4,700,684	
	253 Amount bro't over	4,700,684	
	Willow or St. Adeline street, Florida to Claiborne, crossed Sts. not included.	47,736	
	Clara or Magnolia St.	88,872	
	Magnolia "	117,799	
	Locust "	106,526	
	Freret "	69,028	
	Howard "	90,590	
	Liberty "	111,872	
	Franklin "	225,259	
	Basin "	463,730	
	Rampart or Circus "	411,289	
	Dryades	121,410	
	Penn	12,852	
	Baronne	169,179	
	Carroll	13,020	
	Carondelet	158,697	
	St. Charles	157,312	
	St. Mary & St. Francis St.	32,718	
	Camp "	144,270	
	Bank Place	8,175	
	Magazine street	129,465	
	Foucher "	24,570	
	Tchoupitoulas St., Julia to Canal	118,080	
	Commerce	50,310	
	New Levee	123,826	
		7,697,259	
	254 Am't bro't forward	7,697,259	
	Fulton street	111,104	
	Front "	106,702	
	Delta "	103,354	
	Crossman "	17,940	
	Robertson street, crossing not included	121,264	

City of New Orleans—Continued.

Remarks.	Name of streets.	Area.	Amount.
Streets from the river to Claiborne street. Crossing streets are not included.	Villere, crossing not included	118,402	
	Marais, do.	118,405	
	Tremé, do.	116,812	
	Burgundy, do.	72,722	
	Dauphine, do.	73,074	
	Bourbon, do.	73,112	
	Royal, do.	73,150	
	Exchange alley, do.	33,700	
	Chartres St.	73,264	
	Dorcier	12,480	
	Old Levee	96,390	
	Clinton	9,580	
	Peters	74,860	
	Bottom of Levee, bet. Canal & St. Peter	420,800	
	Superficial feet	9,521,574	$3,142.11 9/100

255 Remarks.	Streets north of Metarie road to the lake.	Area.	Am't.
	Catina street	652,166	
	Harney "	302,450	
	Milne "	977,874	
	Custom-House "	814,200	
	Louisville "	814,920	
	Bienville (canal not included)	1,613,322	
	Vicksburg street	816,420	
	Conti	817,082	
	Memphis	817,563	
	St. Louis Ave.	1,662,984	
	Toulouse street	709,562	
	Anthony "	710,342	
	St. Peter "	711,181	
	Orleans Ave. (canal not included)	2,581,129	
	St. Ann street	709,201	
	Murat "	709,924	
	Dumain avenue	1,421,284	

City of New Orleans—Continued.

Remarks.	Streets north of Metarie road to the lake.	Area.	Am't.
	Napoleon St.	711,302	
	St. Philip "	711,966	
	Solomon	712,622	
	Ursulines avenue (canal not inc'd)	1,626,882	
	Hospital street	823,261	
	Barracks "	823,922	
	Esplanade "	746,403	
	Fort "	302,880	
	First "	52,232	
		23,433,074	
	256		
	Am't bro't forward	23,433,074	
The streets running from the Metarie road to the lake are calculated the whole length. The streets running are calculated the whole length, less the intersection of other streets.	Second street	41,557	
	Third "	39,012	
	Fourth	36,726	
	Fifth	34,136	
	Sixth	32,648	
	Seventh	30,111	
	Eighth	26,769	
	Ninth	18,332	
	Tenth	18,057	
	Eleventh	15,089	
	Twelfth	12,121	
	Thirteenth	9,153	
	Fourteenth	6,185	
	Fifteenth	3,217	
	Cross-streets:		
	Fisk street	106,431	
	Gervais "	145,348	
	Passage "	23,320	
	Mexico "	92,960	
	May "	328,052	
	Cass "	218,522	
	Houston "	393,980	
	Adams avenue	793,592	
	Delophon street	402,843	
	Brown "	400,080	
	Butler "	405,900	
		27,067,215	

257 *City of New Orleans*—Continued.

Remarks.	Streets north of Metarie road to lake.	Area.	Amount.
	Amount bro't forward	27,067,215	
The streets running from the Metarie road to the lake are calculated the whole length. The streets running crosswise are calculated the whole length, less the intersections of other streets.	North street	407,823	
	Fillmore avenue, canal not included	578,820	
	Conrad street	401,160	
	Walker "	397,920	
	Mouton "	403,380	
	Downs "	401,520	
	Jackson avenue	783,488	
	Ridgely street	409,680	
	Twiggs "	413,402	
	Smith "	411,420	
	Lane "	407,022	
	Harrison avenue (canal not included)	1,429,814	
	Bragg street	413,220	
	Tremont "	415,800	
	French "	418,500	
	Ringold "	423,420	
	Polk avenue	855,120	
	Gaines street	431,102	
	Harney "	422,220	
	Brooks "	419,700	
	Scott's "	419,352	
	Taylor avenue (canal not included)	581,190	
	Mason street	410,460	
	Crittenden "	402,012	
	Corwin "	401,520	
	Total	39,526,280	

258 *City of New Orleans*—Continued.

Remarks.	Streets north of Metarie road to lake.	Area.	Amount.
	Am't bro't forward	39,526,280	
The streets running from the Metarie road to the lake are calculated the whole length. The streets running crosswise are calculated the whole length, less the intersection of other streets.	Clement street	394,746	
	Monroe avenue	888,520	
	Webster street	180,120	
	Dickinson "	172,260	
	Clay "	169,920	
	Calhoun "	164,700	
	North half of Metarie road (new)	325,850	
	Sassafras street	40,152	
	Plane "	39,348	
	Plaquemine street	38,508	
	Live Oak "	37,702	
	Ash "	36,902	
	Poplar "	36,104	
	Laurel "	35,250	
	Hickory "	34,454	
	Dublin avenue	85,760	
	Chestnut street	32,650	
	Lilac "	31,850	
	Magnolia "	31,008	
	Cypress "	30,202	
	Cotton "	29,409	
	Pine "	28,601	
	London avenue	120,312	
	Cherry street	29,102	
	Walnut "	28,256	
	Raspberry street	27,450	
		42,591,416	

259 *City of New Orleans*—Continued.

Remarks.	Streets north of Metarie road to the lake.	Area.	Amount.
The streets running from the Metarie road to the lake are calculated the whole length. The streets running crosswise are calculated the whole length, less the intersection of other streets.	Am't bro't over	42,591,416	
	Esplanade avenue	60,170	
	Mulberry street	19,251	
	Plum "	25,803	
	Cedar "	25,002	
	Paris avenue	61,823	
	Cock Pit street	23,301	
	Robin "	22,703	
	Dove "	22,153	
	Swan "	21,802	
	Woodcock avenue	28,803	
	Piegeon street	17,300	
	Lark "	21,052	
	Goose "	20,500	
	Duck "	19,902	
	Rail "	19,253	
	Snipe "	18,652	
	Plover "	16,604	
	Turkey avenue	15,606	
	Quail street	3,300	
	Cross	18,497	
	Comfort	35,086	
	Bridge	34,821	
	Virginia	30,528	
	Melana	22,525	
	Canal	165,240	
		43,361,093	
260	Amount bro't forward	43,361,093	
	Gasquet street	3,975	
	North half of old Metarie road	58,781	
		43,423,849	
	Square feet, am't bro't forward	9,521,574	
		52,945,423	

(Signed) G. INGRAM,
Board of Commissioners 1st Draining District.

I hereby certify that the foregoing is a true and correct extract from the original assessment-rolls on file in the office of the bureau of drainage in the comptroller's office of the city of New Orleans.

New Orleans, city hall, Dec. 13, 1886.

WM. T. MAYO, *Book-Keeper.*

261 *Extracts from the Original Assessment-Roll of the 1st Draining District of Parish of Orleans on File in the Comptroller's Office, in the City of New Orleans, of which Copy was Filed in the 7th District Court, Parish of Orleans, and Homologated by Judgment of the Superior Dist. Court of the Parish of Orleans on the 21st day of March, 1874.*

Number of bill.	Names of owners of land.	District.	No. of square.	No. of lot.	Name of street.	Superficial feet.	Rate.	Amount of assessment.
							Mills.	
99	City of New Orleans	2nd	9	3	Old Levee alley	296	$3\frac{5}{10}$	95
652	" " engine No. 7	"	68	18	Dauphine	4,105	"	13 55
1074	" "	"	123	4	Conti	2,775	"	9 15
1383	" " school-house	"	185	5	Bienville	8,310	"	27 40
3337	" "	1st	1 C	Sq.	Water, Delta, Common, Gravier	23,213	"	76 60
8	" "	"	2 C	"	" " Poydras, "	28,422	"	93 80
4223	" " Lafayette sq.	"	176	"	South, North, St. Charles, Camp	120,713	"	398 35
4271	" " school-house	"	180	4	St. Charles	15,049	"	49 65
4342	" " engine No. 5	"	219	31	Girod	2,643	"	8 70
4	" " city hall	"	220	2	Lafayette	6,232	"	20 55
5	" " "	"	"	3	do.	5,218	"	17 20
6	" " "	"	"	4	St. Charles	10,852	"	35 80
4385	" " engine No. 13	"	221	14	Perdido	2,666	"	8 80
9	" " Louisiana Hon. Co.	"	"	18	Carondelet	2,822	"	9 30
4795	" " Poydras market	"	260	Sq.	N. & S., Poydras, Penn, Dryades	13,209	"	43 60
5030	" " "	"	271	"	" " Rampart, "	11,742	"	38 75
	Pilie market.							
5182	Sam'l J. Peters, Jr., to city N. O.	"	296	"	" " " Basin	8,197	"	16 25
5581	City of New Orleans	"	332	18	Franklin	3,216	"	10 60
2	" " Fisk school	"	"	19	"	3,216	"	10 60
3	" " "	"	"	20	"	3,216	"	10 60
4	" " "	"	"	21	"	3,216	"	10 60
5	" " "	"	"	22	"	3,216	"	10 60
5740	" " engine No. 14	"	339	11	Common	3,306	"	10 90

Extracts from the Original Assessment-Roll, &c.—Continued.

Number of bill.	Names of owners of land.	District.	No. of square.	No. of lot.	Name of street.	Superficial feet.	Rate.	Amount of assessment.
							Mills.	
5853	City of New Orleans, work-house	1st	377	Sq.	Magnolia	55,467	$3\frac{3}{10}$	183 05
4	" " house refuge	"	396	Sq.	Perrilat	60,245	"	198 80
6845	" " Madison school	"	470	6	Palmyra	2,975	"	9 80
6	" " "	"	"	7	"	2,975	"	9 80
7	" " "	"	"	8	"	2,975	"	9 80
8	" " "	"	"	9	"	2,975	"	9 80
9	" " "	"	"	10	"	2,975	"	9 80
6850	" " "	"	"	11	"	2,975	"	9 80
						419,412		1,372 95
8639	N. O. city, C. City park	2nd	658	------	Metarie road, new, St. Louis, Calhoun, & Toulouse	83,243	"	274 70
8640	" "	"	659	------	Metarie road, Anthony, Calhoun, & Toulouse	110,750	"	365 47
1	" "	"	660	------	Metarie road, Anthony, Calhoun, & St. Peter	111,153	"	366 80
2	" "	"	661	------	Metarie road, Orleans, Calhoun, & St. Peter	70,207	"	231 68
3	" "	"	682	------	Clay, Orleans, Calhoun, & St. Peter	70,207	"	231 68
4	" "	"	683	------	" Anthony, " "	111,153	"	366 80
5	" "	"	684	------	" " " Toulouse	110,750	"	365 47
6	" "	"	685	------	" St. Louis, " "	83,243	"	274 70
8664	" "	"	703	------	" " Dickson, "	83,243	"	274 70
					Amount over	833,949	------	2,752 00

						Amount bro't forward		833,949			2,752 00
8665	N. O. city, C. City park		2nd	704		Clay, Toulouse, Dickinson, Anthony		110,750	3 3/10		365 47
6	" "		"	705		" St. Peter, " "		111,153	"		366 80
7	" "		"	706		" " " Orleans		70,207	"		231 68
8	" "		"	727		Webster, " " "		70,207	"		231 68
9	" "		"	728		" " " Anthony		111,153	"		366 80
8670	" "		"	729		" Toulouse, " "		110,750	"		365 47
1	" "		"	730		" " " St. Louis		83,243	"		274 70
8692	" "		"	751		" " Munroe, "		83,243	"		274 70
3	" "		"	752		" " " Anthony		110,750	"		365 47
4	" "		"	753		" St. Peter, " "		111,153	"		366 80
5	" "		"	754		" " " Orleans		70,207	"		231 68
8941	" "		"	662		Metarie road, St. Ann, Calhoun, "		102,179	"		337 19
2	" "		"	663		" " " Murat		100,305	"		331 00
3	" "		"	664		" Dumaine, " "		84,899	"		280 16
4	" "		"	665		" " " Napoleon		88,753	"		292 88
5	" "		"	666		" St. Philip, " "		88,753	"		292 88
6	" "		"	667		" " " Solomon		88,753	"		292 88
7	" "		"	668		" Ursulines, " "		88,750	"		292 87
8958	" "		"	675		Clay, " "		88,750	"		297 87
9	" "		"	676		" St. Philip, " "		88,753	"		292 88
8960	" "		"	677		" " " Napoleon		88,753	"		292 88
1	" "		"	678		" Dumaine, " "		88,753	"		292 88
2	" "		"	679		" " " Murat		84,899	"		280 16
3	" "		"	680		" St. Ann, " "		100,305	"		331 00
4	" "		"	681		" " " Orleans		102,179	"		337 19
5	" "		"	707		" " Dickinson, "		102,179	"		337 19
6	" "		"	708		" " " Murat		100,305	"		331 00
7	" "		"	709		" Dumaine, " "		84,899	"		280 16
8	" "		"	710		" " " Napoleon		88,753	"		292 88
9	" "		"	711		" St. Philip, " "		88,753	"		292 88
8970	" "		"	712		" " " Solomon		88,753	"		292 88
1	" "		"	713		" Ursulines, " "		88,750	"		292 87
8980	" "		"	720		Webster, " " "		88,750	"		292 87
1	" "		"	721		" St. Philip, " "		88,753	"		292 88
2	" "		"	722		" " " Napoleon		88,753	"		292 88
3	" "		"	723		" Dumain, " "		88,753	"		292 88
4	" "		"	724		" " " Murat		84,899	"		280 16

Extracts from the Original Assessment-Roll, &c.—Continued.

Number of bill.	Names of owners of land.	District.	No. of square.	No. of lot.	Name of street.	Superficial feet.	Rate.	Amount of assessment.
							Mills.	
5	N. O. city, C. City park	2d	725	------	Webster, St. Ann, Dickinson, Murat	100,305	$3\frac{3}{10}$	331 00
6	" "	"	726	------	" " " Orleans	102,179	"	337 19
7	" "	"	755	------	" Orleans, Munroe, St. Ann	102,179	"	337 19
					Am't over	4,548,512	------	14,914 88
263								
					Am't bro't forward	4,548,512	$3\frac{3}{10}$	14,914 88
8988	N. O. city, C. City park	2nd	756	------	Webster, St. Ann, Munroe, Murat	100,305	"	331 00
9	" "	"	757	------	" Dumaine, " "	84,899	"	280 16
8990	" "	"	758	------	" " " Napoleon	88,753	"	292 88
1	" "	"	759	------	" St. Philip, " "	88,753	"	292 88
2	" "	"	760	------	" " " Solomon	88,753	"	292 88
3	" "	"	761	------	" Ursulines, " "	88,750	"	292 87
						5,088,725	------	16,697 55
9770 A	" streets St. Peter & Carondelet W'k to Julia & River to Claiborne					9,521,574		
9770 C	" " Carondelet W'k to Fla. land'g, Metarie Ridge to the lake					52,945,423		
						62,466,997	------	205,041 10

RECAPITULATION.

City: All streets from River to Claiborne St. & Metarie road to the lake	62,466,997		205,041 10
City property: Schools, markets, engine-houses, &c., within River to Claiborne St.	419,412		1,372 95
" " The City park, 55 squares, fronting Metarie road	5,088,725		16,697 55
Superficial feet	67,975,134	$	223,111 60

I do hereby certify that the foregoing is a true & correct extract from the original assessment-rolls on file in the office of the bureau of drainage, in the comptroller's office of the city of New Orleans.

City hall, Dec. 13, 1886. WM. T. MAYO, *Book-Keeper.*

264 *Court Proceedings Declaring Mortgage Lien and Privilege in Second Draining District, Marked Exhibit B.*

To the Hon. Victor Burthe, judge of the third judicial district court of Louisiana in and for the parish of Jefferson:

The petition of the board of commissioners of the second draining district, through their president, L. H. Place, respectfully represents—

That agreeably to the provisions of an act entitled "An act to provide for leveeing and reclaiming swamp lands in certain portions of the parishes of Orleans and Jefferson, approved March 18th, 1858," your petitioners have had three plans drawn by A. S. Phelps, engineer of said draining district, of a certain section of land lying within the parish of Jefferson, described in the advertisements herewith annexed and made part of this petition; that said plans accurately designate the limits of said section, and as much as possible the subdivisions of the property therein contained and the names of the proprietors, and also the divisions and directions of the canals intended to be dug and the places where the steam-engine is to be established; that true copies of said plans were deposited in the office of the parish recorder of the parish of Jefferson on the 11th of January, 1861, and notices inserted in French and English in "The New Orleans Commercial Bulletin" and "The New Orleans Daily Crescent," two newspapers published in the city of New Orleans, once a week during four weeks, in succession, announcing that your petitioners were about to proceed to drain said section, de-
265 scribing the place where said plans were and are deposited, accurately defining the limits thereof and indicating as near as possible the time within which the draining thereof will be completed and the probable cost of said work; all of which will more fully and accurately appear by reference to the certificate of the parish recorder of the parish of Jefferson and copies of said New Orleans newspapers containing said notices, herewith filed.

The premises considered, your petitioners are entitled to and pray for a decree from this hon. court subjecting each portion of the property situated within the limits of said second draining district lying in the limits of the parish of Jefferson to a first-mortgage lien and privilege in favor of your petitioners, the board of commissioners of the second draining district, for such amount as may be assessed on it for its portion of the whole cost of drainage of said section in accordance with the provisions of the statute by which said privilege lien and mortgage are created, and interest thereon at the rate of 6% per annum from demand thereof; and they pray for such other and general relief as the nature of the case and the law may require, and they will ever pray, &c., &c.

(Signed) C. ROSELIUS.

Endorsement on the foregoing petition: "In the third judicial district court. No. 1938. Filed February 15, 1861. J. Renaud, D. clerk."

Order on the Foregoing Petition.

Considering that the judge of the 3rd judicial district court
266 is interested in the result of this suit and must recuse himself, it is ordered that this case be transferred to the 6th district court of New Orleans.

Parish of Jefferson, March 14th, 1861.

(Signed) VICTOR BURTHE, *Judge.*

Judgment.

In the matter of the board of commissioners of the second draining district, praying, &c.

In the Third Judicial District Court in and for the Parish of Jefferson.

No. 1938.

The petitioners, the board of commissioners of the second draining district, ask for a decree in accordance with an act of the Legislature, approved March 18th, 1858, "to provide for the leveeing, draining, and reclaiming swamp lands in certain portions of the parishes of Orleans and Jefferson," subjecting each portion of the property in said district within the parish of Jefferson to a first-mortgage lien and privilege in their favor for such amount as may be assessed on it for its proportion of the whole cost of drainage.

Several parties have filed oppositions to this application based on various grounds, only two of which it is necessary here to consider, as all others will more properly arise in another proceeding. Those two are, first, the constitutionality of the statute, and, secondly the observance of the formalities prescribed by said statute.

267 The grounds of unconstitutionality urged herein have been distinctly passed upon in the case of the New Orleans Draining Company, praying, &c., reported in 11 A., 338, in which similar provisions were sustained by the supreme court and the right to make an assessment for similar purposes declared to be legal and constitutional.

As to the second ground of opposition to be considered, it is admitted that the publications — according to law, but it is contended that the plans are defective in not showing correct subdivisions and the names of the proprietors.

The statute provides that a plan shall be made "accurately designating the limits of the section or district to be drained and as far as possible the subdivisions of the property therein contained and the names of the proprietors, &c." It is in proof that books showing the subdivisions of squares into lots, containing the names of the proprietors and readily referable to the plans, were deposited with said plans as a part thereof and to supply the deficiency in that respect in the plans. These plans and books are said to designate the limits of the section to be drained and as far as possible the sub-

divisions of the property therein contained and the names of the proprietors, and they therefore meet the requirements of the law antecedent to the decree sought by petitioners.

It is therefore ordered that the oppositions herein filed be dismissed with costs and without prejudice to the rights of the parties not herein expressly passed on; and it is further ordered, adjudged, and decreed that each portion of the property situated within the limits of the second draining district and lying within the parish of Jefferson, and described in the advertisements and plans deposited by the commissioners of the second draining district in the office of the parish recorder of said parish as beginning at the Mississippi river at the boundary line between the parishes of Orleans and Jefferson, along said boundary line to Lake Pontchartrain, along the shores of said lake to the Jefferson and Pontchartrain railroad, following said road to the River Mississippi, and following the banks of said river to the starting point, be, and is hereby, subject to a first-mortgage lien and privilege in favor of petitioners, the board of commissioners of the second draining district, for such amount as may be assessed upon said property for its proportion of the whole costs of draining said section, in accordance with the provisions — statute creating said first-mortgage lien and privilege, with interest thereon, at six per cent. per annum, from demand thereof.

268

(Signed) R. K. HOWELL,
Judge 6th District Court of New Orleans, Acting in Place of Judge Burthe, Recused.

Endorsement on foregoing judgment: "No. 1935. In the matter of the board of commissioners of the second draining district pray-for a decree of mortgage, &c. Judgment. Filed April 29, 1861. E. Buisson, clerk."

To the hon. the second judicial district court of Louisiana in and for the parish of Jefferson:

The petition of the board of commissioners of the second draining district respectfully represents that in conformity with an act of the Legislature entitled "An act to provide for the collection of the assessment for draining under the acts of March 18, 1858, and the act supplementary thereto of March 17th, 1859, approved March 1st, 1861," a tableau or assessment-roll of amount to be paid for draining the property within the said second draining district (within the limits of the parish of Jefferson) has been prepared and notice thereof been duly given; that your petitioners herewith present a copy of said assessment to be filed in this hon. court; that in said assessment-roll the property assessed is set forth, together with the amount assessed and the names of the owners thereof, as far as known, and in case the owner or owners are unknown said fact is stated; all of which, together with other necessary particulars, will more fully appear by reference to said copy of the assessment-roll herewith exhibited and filed and contained in books numbered respectively 1, 2, and 3.

269

Your petitioners therefore respectfully pray that in pursuance of said act of the Legislature it may please the court to order that all persons whom it may concern do show cause within thirty days from the first publication of said order, if any they have, why said assessment-roll should not be approved and homologated; that said order be published in the English and French languages in the "Carrollton Times" newspaper twice a week for thirty days, and that after due proceedings had judgment be rendered approv-
270 ing and homologating said assessment-roll, to operate as a judgment against the property assessed and the owner or owners thereof for the amount of assessment, with ten per centum in addition, the amount assessed to pay cost and counsel fees, the whole according to the acts of the Legislature aforesaid found at pages 43 and 44 of the printed sessions of acts of 1861; and your petitioners pray for general relief, and as in duty bound, &c., &c.

(Signed) C. ROSELIUS & ALFRED PHILLIPS.

Order on the Foregoing Petition.

"Order."

Upon filing the assessment-roll of the second draining district within the parish of Jefferson, and on the petition of the board of commissioners of said district, it is ordered that all persons whom it may concern do show cause, if any they have, within thirty days from the first publication of this order, why said assessment-roll should not be approved and homologated; and it is further ordered that said order be published, in the English and French languages, in the "Carrollton Times" newspaper twice each week for thirty days.

Dec. 7th, 1868.

(Signed) DON A. PARDEE,
Judge 2nd Jud'l Dist. Court, La.

Endorsement on the foregoing petition: "No. 1938. Second judicial dist. court of La., parish of Jefferson. In the matter of the board of commissioners of the second draining district for the homologation of tableau of assessment, &c., &c. Petition and assessment-rolls in books Nos. 1, 2, and 3, &c. C. Roselius & Alfred Phelps, of counsel. Filed Dec. 11, 1868. H. C. Caulkins, d'y cl'k."

271 *Judgment.*

In the matter of the commissioners of the second draining district praying for hom'n of tableau, &c.

No. 1938.

Second Jud. Dist. Court, Parish of Jefferson.

On motion of C. Roselius and Alfred Philips, of counsel for the petitioners herein, and on producing to the court due proof of the

publication of notices to all persons interested to show cause, if any they have, why said assessment-rolls or tableau filed by the said board of commissioners should not be approved and homologated, all made according to law:

It is now ordered, adjudged, and decreed that said report be approved and homologated, so far as not opposed, and the same to operate as a judgment against the property assessed and the owner or owners thereof, with ten per cent. in addition to the amount for costs of counsel, fees, and costs, according to the act of the Legislature, &c.

Judg't rendered March 15th, 1869, and signed March 23, 1869.

(Signed) DON A. PARDEE, *Judge.*

Endorsement on foregoing judgment: "No. 1938. Second judicial dist. court, parish of Jefferson. In the matter of the board of commissioners of the second draining dist. praying for ho-
272 mologation of tableau, &c. Motion to homologate tableau, so far as not opposed, with proof of publication, &c., &c. C. Roselius & Alfred Phillips, of counsel. Filed March 15, 1869. H. A. Burns, d'y cl'k."

273 *Extract from the Assessment-Rolls of the 2nd Draining District, Parish of Jefferson. Filed in the 3d Judicial District Court, Par. of Jefferson, the 11th Day of Dec., 1868, and Referred to in the Foregoing Petition Praying for the Homologation of said Assessment-Rolls and in the Judgment Homologating the Same, Rendered on the 15th and Signed March 23d, 1869, in Suit No. 1938 on the Docket of Said Court.*

Name of owner.	Name of street.	No. of lot.	Measurement.	Superficial feet.	Percentage.	Assessment.
City of Jefferson, Plaisance	Magazine	19 & 20	64 127[4]	8,148	2 mills p'r sq. ft.	16 30
" " East Bouligney	Marengo	20 21	58 120	6,960	"	13 92
Pioneer Fire Co. No. 1, " "	Berlin	22	30[2] 120	3,620	"	7 24
City of Jefferson, " "		1 to 10	300[4] 150	45,050	"	90 10
Do. do. West "	Jersey	15, 16, 17, 18	120 100	12,000	"	24 00
Do. do. do. do.	1 square		305 300	91,500	"	183 00
Do. do. Avent	¼ do.		150 153[4]	23,000	"	46 00
City of Carrollton, parish court-house & jail	1 do.	20 lots	275 275	75,625	"	151 25
Carrollton Fire Co. No. 1	Dublin		34 120	4,080	"	8 16
City of Carrollton	Dublin	6	30 120	3,600	"	7 20
Do. do.	Third	11	41 150	6,150	"	12 30
Do. do.	Jefferson	6, 7, 8	90 120	10,800	"	21 60
Do. do.	Small strip on 4th St.		8[6] 96[9]	824[6]	"	1 65
Tower of do.	Washington	7, 10	120 120	14,400	"	28 28
City do. do.	Whole square		275-650	178,750	"	357 50
Do. do. do. Green square			300 300	90,000	"	180 00
Do. do. do. Frederick do.	1 square		300 300	90,000	"	180 00
Do. do. do. Hamilton do.	Public square		325 650	211,250	"	422 50
Town of Carrollton, all the public streets in the town of Carrollton.				20,068,500	"	40,137 00
City of Jefferson, all the public streets in the city of Jefferson,				26,931,000	"	53,862 00
All the public streets in Hurtsville, police jury, parish of Jefferson.				3,299,560	"	6,599 12
All the public streets in Bloomingdale, police jury of the parish of Jefferson.				1,477,970	"	2,955 94

Extracts from the Assessment-Rolls, &c.—Continued.

Name of owner.	Name of street.	No. of lot.	Measurement.	Superficial feet.	Percentage.	Assessment.
All the public streets in Burtheville, police jury of the parish of Jefferson.				3,381,960	2 mills p'r sq. ft.	6,768 92
All the public streets running across the land of L. F. Foucher, police jury of the par'h — Jefferson.				413,500	"	827 00
All the public streets in Greenville, police jury of the parish of Jefferson.				2,353,750	"	4,707 50
All the public streets in Fribourg, police jury of the parish of Jefferson.				1,898,775	"	3,797 55
All the public streets in Marly, police jury of the parish of Jefferson.				1,008,500	"	2,017 00
Market square, police jury of the parish of Jefferson	1 square		90 130	27,000	"	54 00
Metarie road, police jury of the parish of Jefferson			3,412 40	136,480	"	272 96
						123,749 99

A true copy.
Dec. 10, '86.

JAS. C. BAUMAN,
Clerk & ex Officio Recorder, Parish of Jefferson.

274 I, James C. Baumann, clerk of the twenty-sixth judicial district court in and for the parish of Jefferson and custodian of the records of the late second & third judicial district courts for the parish of Jefferson, do hereby certify that the foregoing pages 1, 2, 3, 4, 5, 6, 7, 8, and 9 contain true and correct copies of the original papers on file in my office; that no answers or oppositions were filed in said proceedings by the city of New Orleans, the city of Carrollton, Jefferson City, or the police jury of the parish of Jefferson, as appears by the docket of said court; that the judgments therein rendered are final and executory, and that the foregoing page number eleven contains a true and correct extract from the copy of assessment-rolls on file in my office in the above suit and referred to in the foregoing judgment of the court homologating said assessment-rolls.

(Signed) JAS. C. BAUMANN,
Clerk 26th Judicial District Court, Parish of Jefferson. [L. S.]

Gretna, parish of Jefferson, December 10th, A. D. 1886.

Certificate of Mortgage Referred to in the foregoing Petition. Filed February 15, 1861, and Referred — in pages 1 and 2 foregoing.

STATE OF LOUISIANA, }
Parish of Jefferson. }

I, Ernest Commagere, parish recorder for the parish of
275 Jefferson, hereby certify that on this day L. H. Place, Esq., president of the commissioners of the second draining district, has deposited in this office three plans certified as true copies of originals on file within the office of said commissioners by A. S. Phelps, engineer of said draining district, dated January 9th, 1861, said plans comprising all the portion of said draining district lying in the parish of Jefferson.

I also certify that said president has made a special deposit in this office of three books of assessments, comprising the subdivisions of the property included in said plans; the said three books of assessments not to be recorded, but simply deposited for examination by parties interested.

In faith whereof I have hereunto set my hand and seal, at the court-house, Carrollton, this eleventh day of January, eighteen hundred and sixty-one.

[SEAL.] (Signed) ERNEST COMMAGERE, *Recorder.*

Endorsed: 1938. Certificate of deposit of plans, &c., in the parish of Jefferson, Jan'y 11, 1861. Filed February 15th, 1861. J. Regand, d'y cl'k.

In the matter of the commissioners of the second draining district praying for homologation of tableau.

Second Judicial District, Parish of Jefferson.

No. 1938.

To the honorable the judge of the second judicial district court, parish of Jefferson:

276 The petition of the city of New Orleans, a municipal corporation chartered and duly organized under the laws of the State of Louisiana, located in the parish of Orleans, State aforesaid, and of the board of administrators of the said city respectfully represents—

That heretofore, to wit, on or about the 15th day of March, 1869, in the above entitled and numbered proceedings a final judgment was duly rendered by this honorable court, and upon the 23rd day of the same month was regularly signed, homologating and approving a certain tableau of assessments for draining purposes made under and in conformity to certain acts of the General Assembly of the State of Louisiana in that case made and provided.

That for greater certainty your petitioners hereunto annex a copy of the aforesaid judgment and make the same a part hereof and respectfully refer your honor to the tableau of assessments underlying such judgment.

That in the opinion of your petitioners it is unnecessary to take proceedings for the revival of the judgment had and obtained as aforesaid, but, to prevent the rights of all parties interested therein from being clouded over and out of an abundance of caution, your petitioners, without waiving or abandoning any privileges or rights conferred by the aforesaid judgments, desire to supplement the same by an order or decree of revival.

Wherefore your petitioners pray that the several parties named and designated in the aforesaid tableau of assessments and the owner or owners of all the property referred to therein, whether such owners be known or unknown, by an order of this hon-
277 orable court to be made and granted herein, may be required to show cause within thirty days from the first publication of such order, if any they have, why the judgments aforesaid should not be regarded as being revived and possessing its original force and effect.

That an attorney *ad hoc* may be appointed by this honorable court to represent any and all of such defendants in the aforesaid judgment as may be absent and not represented; that the said attorney may be cited to appear and answer this petition; that this cause may otherwise be proceeded — in accordance to law that after due proceedings had the judgment aforesaid may be decreed to be revived and to have its original force and effect, and that petitioners may have such other and further order, judgment, and decree as may be suited to law and the nature of this case.

(Signed) SAM. P. BLANC,
Assistant City Attorney.

Copy of Judgment Annexed to the Foregoing Petition.

(Copy.)

In the matter of the commissioners of the second draining district praying for homologation of tableau, &c.

2d Jud'l Dist. Court, Parish of Orleans.

No. 1938.

On motion of C. Roselius & Alfred Philips, of counsel for the petitioners herein, and on producing to the court due proof of the publication of notices to all persons interested to show cause, if any they have, why said assessment-rolls or tableau filed by the said
278 board of commissioners should not be approved and homologated, all made according to law—

It is now ordered, adjudged, and decreed that said report be approved and homologated as far as not opposed, and the same to operate as a judgment against the property assessed and the owner or owners thereof, with ten per cent. in addition to the amount assessed for costs of counsel fees and costs according to the act of the Legislature, &c.

Judgment rendered March 15th, 1869, and signed March 23rd, 1869.

(Signed) DON A. PARDEE, *Judge.*

Order Granted on the Foregoing Petition.

In the matter of the commissioners of the second draining district praying for homologation of tableau.

Second Judicial District, Parish of Jefferson.

No. 1938.

Upon reading the foregoing petition it is hereby ordered that the several parties named and designated in the tableau of assessments referred to in and homologated by a judgment of this court rendered upon the 16th day of March, 1869, in the above entitled and numbered proceeding, and signed on the 23rd day of the same month, do show cause within thirty days after the first publication of this order, if any they have, why the said judgment shall not be revived and held to possess its original force and effect.

It is further ordered that Clark W. Besancon, Esq., be, and
279 he is hereby, appointed curator *ad hoc* to represent herein all such of the defendants in the original judgment as are "absent and not represented," and that the said curator *ad hoc* be cited and served with a copy of the petition for revival herein filed.

(Signed) DON A. PARDEE,
Judge 2nd Judicial Dist., La.

All endorsed: No. 1938. Second judicial district, parish of Jefferson. In the matter of the commissioners of the second draining district praying for homologation of tableau, &c. Petition and order for revival of judgment. Sam. P. Blanc, assistant city attorney. Filed Jan'y 29, '79. E. A. Flanneau, clerk.

In the matter of the commissioners of the 2nd drainage district praying for homologation of tableau.

Second Judicial District, Parish of Jefferson.

No. 1938.

And now before the court comes the city of New Orleans, by Samuel P. Blanc, assistant city attorney, and intervenor, Ed. C. Palmer, by Lacy & Butler, his counsel, and shows the same—

1. That the order to show cause why the judgment heretofore rendered herein should not be revived and held to have its original force and effect has been duly published in the "Jefferson Sentinel" and by posting at three public places in the parish of Jefferson.

That the delay required by law has expired without certain parties in interest therein having made any opposition to the
280 aforesaid order or rule being made absolute; and

3. That this appearer is desirous to have the judgment revived as against all parties who have not made opposition thereto or otherwise appeared herein.

Wherefore this appearer moves the court that the rule or order herein taken, bearing date January 24, 1879, be made absolute so far as not opposed, and that as against any and all parties who have failed to appear herein or to file an opposition thereto that the judgment of this honorable court homologating and approving a certain tableau of assessments in the second drainage district, rendered in the above entitled and numbered proceedings on the 15th day of March, A. D. 1869, and signed on the 23rd day of that month, be ordered, adjudged, and decreed to be revived and to have its original force and effect, with such other relief as the court may see proper to grant.

(Signed) SAM. P. BLANC,
Assistant City Att'y.

(Signed) LACY & BUTLER, *Att'ys.*

Judgment.

In the matter of the commissioners of second drainage district praying for homologation of tableau.

Second Jud. Dist., Parish of Jefferson.

No. 1938.

On motion of Sam'l P. Blanc, assistant city attorney for the city

of New Orleans, and Lacy & Butler, of counsel for intervenor,
281 Ed. C. Palmer, and upon due proof of publication in accordance with law and the law and evidence authorizing the same, it is hereby ordered, adjudged, and decreed as against all parties who have failed to put in an appearance in this proceeding and so far as the application for a revival has not been opposed that the order herein granted, bearing date Jan'y 24, 1879, be, and the same is hereby, made absolute, and that the judgment herein sought to be revived, rendered by the court on the 15th day of March, A. D. 1869, and signed on the 23rd of that month, approving and homologating a certain tableau of assessments, be, and the same is hereby, revived, and it is adjudged and decreed to have all of its original force and effect.

Judgment rendered April 9th, 1879.
Judgment signed April 18th, 1879.

(Signed) DON A. PARDEE, *Judge.*

Endorsed: No. 1938. Second judicial district, parish of Jefferson. In the matter of the commissioners of the second drainage district praying for homologation of tableau. Motion for judgment of revival so far as not opposed above Toledano. Sam. P. Blanc, ass't city att'y. Filed April 9, '79. L. Soubles, d'y cl'k.

STATE OF LOUISIANA, PARISH OF JEFFERSON, } *ss:*
Clerk's Office 26 Judicial District Court, }

282 I, John C. Tellotson, clerk of the twenty-sixth judicial district court in and for the parish of Jefferson and custodian of the records of the late third and second judicial district courts for the parish of Jefferson, do hereby further certify that the foregoing 14, 15, 16, 17, 18, 19, 20, 21, and 22 pages are true and correct copies of the original papers on file and of record in said clerk's office of said 26th judicial district for the parish of Jefferson; that no opposition or answer was filed to any of said proceedings set forth in said pages 14 to 22, inclusive, by the city of New Orleans, the city of Carrollton, Jefferson City, or the police jury of the parish of Jefferson, and that no appeal has been taken from said proceedings set forth in said pages from 14 to 22.

Parish of Jefferson, December 24th, 1886.

[L. s.] (Signed) J. C. TELLOTSON,
D'y Clerk 26th Jud. Dist. C't.

16. *Copies of Court Proceedings Declaring First-Mortgage Lien and Privilege in Second Draining District, Marked Exhibit "C."*

No. 15846, third district court, parish of Orleans, transferred to No. 9188, seventh district court, parish of Orleans, transferred
283 from that court to 39094, fourth district court, parish of Orleans, transferred from that court to No. 26643 third district

court, parish of Orleans, superior district court, parish of Orleans, transferred from that court to No. 25393, and transferred from that court, transferred to No. 18995, civil district court, parish of Orleans. Filed Oct. 20, 1886.

To the Hon. Louis Duvignaud, judge of the third district court of New Orleans:

The petition of the board of commissioners of the second draining district, through its president, L. H. Place—

Respectfully represents that, agreeably to the provisions of an act entitled "An act to provide for leveeing, draining, and reclaiming swamp lands in certain portions of the parishes of Orleans and Jefferson," approved March 18th, 1858, your petitioners have had two plans drawn by A. S. Phelps, engineer of said draining district, of a certain section of land within the parish of Orleans described in the advertisements annexed to and made part of this petition; that said plans accurately designate the limits of said section and as much as possible the subdivision of property therein contained and the names of the proprietors, and also the divisions and directions of the canals intended to be dug and the places where the steam-engines are to be established; that true copies of said plans were deposited in the office of the recorder of mortgages of the parish of Orleans on the 11th January, 1861, and notices inserted in French and English in "The New Orleans Commercial Bulletin" and in "The New Orleans Daily Crescent," two newspapers published in the city of New Orleans, once a week during four weeks in
284 succession, announcing that your petitioners were about to proceed to drain said section, describing the place where said plans are deposited, accurately defining the limits thereof and indicating as near as possible the time within which the draining thereof will be completed and the probable cost of said work, all of which will more fully and accurately appear by reference to the certificate of the recorder of mortgages of the parish of Orleans and copies of said New Orleans newspapers containing said notices, herewith filed.

The premises considered, your petitioners are entitled to and pray for a decree from this hon. court subjecting each portion of the property situated within the limits of said second draining district lying within the parish of Orleans to a first-mortgage privilege and lien in favor of your petitioners, the board of commissioners of the second draining district, for such amount as may be assessed on it for its proportion of the whole cost of drainage of said section, in accordance with the provisions of the statute by which said privilege and mortgage and lien are created, and interest thereon at the rate of 6% per annum from demand thereof, and they pray for all such other and general relief as the nature of the case and the law may require, and they will ever pray, &c., &c.

(Signed) C. ROSELIUS.

OFFICE RECORDER OF MORTGAGES,
PARISH OF ORLEANS, LA.

I, John Holmes, recorder of mortgages, hereby certify that on the 11th day of January, 1861, L. H. Place, Esq., president of
285 the second draining district, has deposited in this office two plans, certified as true copies of originals on file in the office of said commissioners by A. L. Phelps, engineer of said draining district, and dated 9 January, 1861, said plans comprising all the portion of said draining district lying in this parish, and also has deposited in this office four books of assessments, comprising the subdivisions of the property included in said plans and the amounts required to be paid by the owners of said subdivisions in order to defray the estimated cost of drainage.

In faith whereof I have hereunto set my hand and seal at the mortgage office aforesaid.

[SEAL.] (Signed) COLOMB DAVIS, *D'y Rec.*

(Endorsed:) Certificate of deposit of plans, &c., in the parish of Orleans Jan'y 11th, 1861. 15846. Filed February 9th, 1861.

Judgment on Foregoing Petition.

Decree.

Proof having been made of the publications and deposit of plans in the mortgage office of the parish of Orleans by the commissioners of the second draining district agreeably to the provisions of the law, it is decreed that each portion of the property situated within the limits of the second draining district and lying within the parish of Orleans, as described in said advertisements as beginning at the Mississippi river at the upper side of Julia street, along Julia street to Mobile landing, along said landing to Delord street, along
286 Delord street and the upper side of the canal of the New Orleans Canal and Banking Company, following said canal to Lake Pontchartrain, along the shores of said lake to the line between the parish of Orleans and Jefferson, following said parish line to the River Mississippi and following the banks of said river to the starting point, be and is hereby subjected to a first-mortgage lien and privilege in favor of said board of commissioners of the second draining district for such an amount as may be assessed on it for its portion of the whole cost of drainage of said portion, in accordance with the provisions of the statute by which said mortgage lien and privilege are created, with interest thereon at the rate of 6% per annum from demand thereof.

(Signed) L'S DUVIGNAUD, *Judge.*

New Orleans, February 9th, 1861.

Endorsed on foregoing petition: "In the third district court of N. O. No. 15846. In the matter of the board of commissioners of the second draining district praying for a decree of mortgage privi-

lege, &c., &c. Filed February 9th, 1861. (Signed) D. Pouille, d'y clerk."

A true copy.
(Signed) DON GORDON, *D'y Clerk.*

No. 15846, third district court, parish of Orleans, transferred to No. 9188, 7th district court, parish of Orleans, transferred to No. 25393, 3rd dist. court, parish Orleans, transferred to No. 18995, civil dist. court, parish of Orleans. Filed Oct. 2, 1886.

287 To the Hon. C. M. Emerson, judge of the third district court of New Orleans:

The petition of the board of commissioners of the second draining district respectfully represents—

That in conformity with the act of the Legislature entitled "An act to provide for the collection of the assessment for draining under the acts of March 18th, 1858, and the act supplementary thereto of March 17th, 1859," a tableau or assessment-roll of the amount to be paid for draining the property within the said second draining district (within the parish of Orleans) has been prepared and notice thereof has been duly given; that your petitioners herewith present a copy of said assessment, to be filed in this hon. court; that in said assessment-roll the property assessed is set forth, together with the amount assessed and the names of the owners thereof as far as known, and in case the owner or owners are unknown said fact is stated; all of which, together with other necessary particulars, will more fully appear by reference to said copy of the assessment-roll, herewith exhibited and filed and contained in bound volumes numbered 1, 2, 3, and 4.

Your petitioners therefore respectfully pray that in pursuance of said act of the Legislature it may please the court to order that all persons whom it may concern do show cause, within thirty days from the first publication of said order, if any they have, why said assessment-roll should not be approved and homologated; that said order be published in the English and French languages in the New Orleans Bee newspaper twice each week for thirty days, and

288 that after due proceedings had judgment be rendered approving and homologating said assessment-roll, to operate as a judgment against the property assessed and the owner or owners thereof for the amount of assessment, with ten per cent. in addition to the amount assessed to pay costs and counsel fees, the whole according to the act of the Legislature aforesaid, found at pages 43 and 44 of the Printed Session Acts of 1861; and your petitioners pray for general relief.

And, as in duty bound, &c., &c.
(Signed) C. ROSELIUS & ALFRED PHILIPS.

Endorsed: "In the third district court. No. 15846. In the matter of the board of commissioners of the second draining district praying for homologation of assessment-roll, &c., &c. Petition and as-

sessment-roll 1, 2, 3, and 4. C. Roselius & Alfred Philips, of counsel. Filed June 16th, 1868. J. O. Chalon, d'y cl'k."

Order on Foregoing Petition.

Upon filing the assessment-roll of the second draining district within the parish of Orleans and on the petition of the board of commissioners of said draining district, it is ordered that all persons whom it may concern do show cause, if any they have, within thirty days from the first publication of this order why said assessment-roll should not be approved and homologated; and it is further ordered that said order be published in the English and French languages in the New Orleans Bee newspaper twice each week for thirty days.

New Orleans, June 16, 1868.

(Signed) CH'S M. EMERSON, *Judge.*

A true copy.

(Signed) DON GORDON, *D'y Clerk.*

289 No. 15846, 3rd dist. court, parish Orleans, transferred to No. 9188, 7th district court, parish of Orleans, transferred to No. 25393, 3rd district court, parish of Orleans, transferred to No. 18995, civil district court, parish of Orleans.

In the matter of the board of commissioners of the second draining district praying for the homologation of assessment-roll, &c., &c.

Third District Court.

No. 15846.

On motion of C. Roselius and Alfred Philips, of counsel for the board of commissioners of the second draining district, and on producing to the court due proof of the publication of notices in the English and French languages during thirty days in the New Orleans Bee, a daily newspaper published in the city of New Orleans, to all persons interested to show cause, if any they have, why said assessment-roll filed by said board of commissioners should not be approved and homologated and made according to law, and on further producing proof that no opposition has been filed to the homologation and approval of the same—

It is ordered, adjudged, and decreed that said report and assessment-roll be approved and homologated, and to operate as a judgment against the property therein assessed and against the owner or owners thereof, with ten per centum in addition to the amount assessed for counsel fees and costs, all according to the act of the Legislature No. 57, approved March 1st, 1861.

Judgment rendered November 11th, 1868.

Signed November 16, 1868.

(Signed) CHAS. M. EMERSON, *Judge.*

290 A true copy.

(Signed) DON GORDON, *D'y Clerk.*

I certify that no opposition has been filed to the homologation of the assessment-rolls herein.

New Orleans, Nov. 11, 1868.

J. O. CHALON, *D'y Cl'k.*

Endorsed: 15846. Third district court. In the matter of the board of commissioners of the second draining district praying for homologation of assessment-roll, &c., &c. Motion to homologate, &c., &c., with proof of publication according to law, &c., &c. C. Roselius & Alfred Philips, of counsel.

A true copy.

(Signed) DON GORDON, *D'y Clerk.*

291 *Extract from the Copy of Assessment-Rolls of the Second Draining District, Parish of Orleans, Filed in the 3d District Court, Parish of Orleans, on the 16th Day of June, 1868, and Referred to in the Foregoing Petition Praying for the Homologation of said Assessment-Rolls and in the Foregoing Judgment Homologating said Assessment-Rolls, Rendered on the 11th and Signed on the 16th November, 1868.*

Name- of owners of land.	Names of streets.	Nos. of lots.	Measurement.	Superficial feet.	Percentage.	Assessment.
Square 118	Annunciation, Erato, Gaienne, & Constance		131 84	11,296	2 mills p'r square ft.	22 59
City of New Orleans	Gaienne.					
Square 214	Clio, St. Chas., Calliope, & Carondelet		23 123	2,870	"	5 74
City of New Orleans	"					
Square 279	Thalia, Dryades, Erato, & Rampart.					
City of New Orleans	"		96 127^{10}	12,250	"	24 51
Do.	" & Erato		64 "	8,182	"	16 36
Square 55	Commerce, Tchoupitoulas, Julia, & St. Joseph.					
City of New Orleans	St. Joseph		26^{6} 89^{9}	2,424	"	4 85
Square 253	Erato, Clio, Browne, & Dryades.					
State Normal School	Erato		108 159^{9}	17,260	"	34 52
Square No. 40	Tchoupitoulas, Race, Peters, & Orange.					
City of New Orleans, engine-house	"	5	26^{6} 128	3,392	"	6 78
Square 45	" Thalia, Peters, & Hunter.					
City of New Orleans, engine-house	Hunter		25 196	2,400	"	4 80
Square No. 94	Orange, St. Thomas, Richards, & Chippewa.					
City of New Orleans, school	Chippewa	2, 1	80 128	10,240	"	20 48
Square 103	Annun'n, Terpsichore, Chippewa, & Robin.					
City of New Orleans (police)	Chippewa		64 55^{6}	3,552	"	7 10
Square 152	Terpsichore, Magazine, Robin, & Camp.					
City of New Orleans, school	Magazine		160 128	20,480	"	40 96
Square 250						
City of New Orleans	Dryades market		256 128	32,768	"	65 54
Square 251	Thalia, Baronne, Melpomene, & Dryades.					

Extract from the Copy of Assessment-Rolls, &c.—Continued.

Name- of owners of land.	Names of streets.	Nos. of lots.	Measurement.	Superficial feet.	Percentage.	Assessment.
City of New Orleans, engine-house	Thalia		32 128	4,096	2 mills p'r square ft.	8 19
Square 305	St. Patrick, St. David, Washington, & 6th.					
New cemetary, city N. O.	Square		448 300	134,400	"	268 80
Square 318	Franklin, Liberty, Philip, & Race.					
City of New Orleans	Traction			1,440	"	2 88
Square 341	Howard, Freret, 6th, & Washington.					
City of New Orleans	Public square		258 352	90,816	"	181 63
Square 342	Howard, Freret, Fourth, & Third.					
City of New Orleans	Public square	1, 22	254 352	89,408	"	178 82
Square 28	Levee, Rousseau, Saraparu, & Philip.					
Engine-house	Levee	21	32 103	3,296	"	6 59
Square 38	Religious, Rosseau, St. Mary, & Felicity.					
Engine-house		3	27^6 127^{10}	3,518	"	7 04
Square 44	Rosseau, St. Thomas, Jackson, & Philip.					
Recorder's office, city N. O.	Rouseau	93	64 158^9	10,160	"	20 32
Hook & ladder Co., city N. O.	Jackson	4	30 115	3,448	"	6 90
Square 78	Chippewa, Annunciation, 2nd, & 3d.					
City of New Orleans	Clay square		252 320	80,640	"	161 28
Square 100	Annunciation, Laurel, Philip, & Jackson	13 & 47	162 120	19,200	"	39 40
City of New Orleans, La., school	Philip.					
292 Square 118	Laurel, Constance, Eglate, & 9th.					
City of New Orleans, school	Ninth	18, 19, 20	96 126	12,096		24 20
Square 124	Constance, Magazine, Harmony, 9th		3			
City of New Orleans, market	Magazine	1	33 100	3,800		7 60
Do. do. school	Constance	4, 5	68 100	6,800		13 60
Square- 141, 142	Magazine, Camp, St. Mary's.					
City of New Orleans, market	Square			21,890		43 48

Square 151	Magazine, Camp, 4th, Washington.						
City of New Orleans, engine-house	Washington	17	24	103	2,472		4 94
Square 179	Chestnut, Coliseum, Jackson, & Philip.						
City of New Orleans, High School	Chestnut	19, 20	69[6]	127[9]	8,879		17 76
Square 196	Prytania, Coliseum, 6th, & Washington.						
Lafayette cemetary	Square		451	429	193,479		386 96
Square 197	Coliseum, Prytania, Washington, & 4th.						
City of New Orleans	Washington	15	44[6]	129	5,740		11 48
Square 235	St. Charles, Carondelet, Philip, & Jackson.						
City of New Orleans, school	Philip	21	27	131	3,536		7 07
Do. do. do.	Carondelet	5, 6	75	148	11,100		22 20
Square 99	Annunciation, Laurel, 1st, & Philip.						
City of New Orleans, school	Laurel	248*a*	77	160	12,320		24 64
All the public streets, public squares (not especially assessed), and public alleys in the portion of the district lying in New Orleans, city of New Orleans					34,863,950		69,727 90
							71,431 81

A true copy.

DON GORDON, *D'y Clerk.*

293 I, Don Gordon, deputy clerk of the civil district court for the parish of Orleans, do hereby certify that the foregoing pages 1, 2, 3, 4, 5, 6, 7, and 8 are true and correct copies of the original on file in clerk's office, civil district court, parish of Orleans; that no opposition or answer was filed therein by the city of New Orleans, as appears from the entries in the original dockets of said court, and that the judgments therein rendered are final and executory, and that the foregoing pages 9 and 10 are true and correct extracts from the copy of assessment-rolls, marked No. 1, No. 2, No. 3, and No 4, respectively, on file in clerk's office in the foregoing entitled and numbered case, and referred to in the foregoing judgments homologating said assessment-rolls.

(Signed) DON GORDON,
[L. S.] *D'y Clerk, Civil District Court.*

Certificate of recorder of mortgages, referred to in foregoing petition, and judgment thereon, filed February 9th, 1861, to be found at pages 1, 2, 3, 4 of the foregoing pages.

OFFICE RECORDER OF MORTGAGES,
PARISH OF ORLEANS, LA.

I, John Holmes, recorder of mortgages, hereby certify that on this 11th day of January, 1861, L. H. Place, Esq., president of the board of commissioners of the second draining district, has deposited in this office two plans, certified as true copies of originals on file in the office of said commissioners, by A. S. Phelps, engineer of said
294 draining district, and dated 9th January, 1861, said plans comprising all the portion of said draining district lying in this parish; and also has deposited in this office four books of assessments, comprising the subdivisions of the property included in said plans and the amounts required to be paid by the owners of said subdivisions in order to defray the estimated cost of drainage.

In faith whereof I have hereunto set my hand and seal at the mortgage office aforesaid.

[L. S.] (Signed) COLUMBE DAVIS, *D'y Rec.*

Endorsed: Certificate of deposit of plans, &c., in the parish of Orleans, Jan'y 11, 1861. 15846. Filed Feb'y 9th, 1861. D. Pouille, d'y clerk.

STATE OF LOUISIANA,
PARISH OF ORLEANS, CLERK'S OFFICE.

CIVIL DISTRICT COURT, }
Parish of Orleans. }

I, Don Gordon, deputy clerk, civil district court, parish of Orleans, do hereby certify that the foregoing pages contain a true and correct copy of the original on file in said clerk's office of said civil district court in the above-entitled matter, now No. 18995 of said civil district court.

[L. S.] (Signed) DON GORDON, *D'y Clerk.*

295 In the matter of the board of commissioners of the second draining district praying for homologation of assessment-roll, &c., &c.

No. 25393. 3rd district court, par. of Orleans, now transferred to 18995, civil district court, parish of Orleans, and filed Oct. 20, '86.

To the Honorable Francis A. Monroe, judge of the third district court for the parish of Orleans:

The petition of the board of administrators of the city of New Orleans and of the city of New Orleans respectfully represents—

That in conformity with the act of the Legislature of the State of Louisiana entitled "An act to provide for the collection of the assessment for draining under the acts of March, 1858, and the act supplementary thereto of March 17th, 1859," a tableau or assessment-roll of the amount to be paid for draining the property in the second draining district (within the parish of Orleans) was prepared and notice thereof duly given.

That on the 16th day of June, 188–, the board of commissioners of the second draining district filed their petition, with a copy of the assessment-roll of the second draining district, within the parish of Orleans, contained in bound volumes numbered 1, 2, 3, and 4, in the honorable the third district court of New Orleans, in the suit or proceeding entitled in the matter of the board of commissioners of the second draining district praying for homologation of assessment-roll, &c., number 15846 of the docket; that on said assessment-roll the property assessed was set forth, to-
296 gether with the amount assessed and the names of the owners thereof as far as known, and in case the owner or owners were unknown said fact was stated; and in said petition said commissioners prayed said court to order that all persons whom it might concern should show cause within thirty days from the first publication of said order, if any they had, why said assessment-roll should not be approved and homologated; that said order be published in the English and French languages in the New Orleans Bee newspaper twice each week for thirty days, and that after due proceedings had judgment be rendered approving and homologating said assessment-roll, to operate as a judgment against the property assessed and the owner or owners thereof for the amount of the assessments, with ten per cent. in addition to the amount assessed to pay costs and counsel fees, the whole according to the acts of the Legislature aforesaid, found at pages 43 and 44 of the printed sessions acts of 1861.

That upon said petition an order of said court was duly granted in words and figures following, to wit:

"That upon filing the assessment-roll of the second draining district (within the parish of Orleans) and on the petition of the board of commissioners of said draining district, it is ordered that all persons whom it may concern do show cause, if any they have, within

thirty days from the first publication of this order why said assessment-roll should not be approved and homologated.

"And it is further ordered that said order be published in the English and French languages in the New Orleans Bee newspaper twice each week for thirty days.

"CHAS. M. EMERSON, *Judge.*"

New Orleans, June 16th, 1868.

297 That subsequently, to wit, on the 11th day of November, 1868, after due advertisement, proceedings, and delays, a final judgment was rendered upon said petition as follows, viz:

In the matter of the board of commissioners of the second draining district praying for homologation of assessment-roll, &c., &c.

Third District Court.

No. 15846.

On motion of C. Roselius and Alfred Philips, of counsel for the board of commissioners of the second draining district, and on producing to the court due proof of the publication of notices in the English and French languages during thirty days in the New Orleans Bee, a daily newspaper published in the city of New Orleans, to all persons interested to show cause, if any they had, why said assessment-roll filed by said board of commissioners should not be approved and homologated according to law; and on further producing proof that no opposition has been filed to the homologation and approval of the same—

It is now ordered, adjudged, and decreed that said report and assessment-roll be approved and homologated and to operate as a judgment against the property therein assessed and against the owner or owners thereof, with ten per centum in addition to the amount assessed for counsel fees and costs, all according to the act of the Legislature No. 57, approved March 14, 1861.

Judgment rendered November 11th, 1868, signed November 16th, 1868.

CHAS. M. EMERSON, *Judge.*

298 All of which will more fully appear and at large appear by reference to the aforesaid proceedings and record No. 15846 of the docket of the late third district court of New Orleans.

Your petitioner further shows unto your honor that by act No. 30 of the sessions acts of the General Assembly of the State of Louisiana for the year 1871, entitled "An act to provide for the drainage of New Orleans," your petitioners were therein and thereby subrogated to all the rights, powers, and facilities possessed and enjoyed by the commissioners of the several draining districts within the limits of New Orleans and Carrollton, and were authorized and required to collect from the holders of property within the said districts the balance due on the assessments, as shown by the books of

the first, second, and third drainage districts, under the acts of March 18th, 1859, and March 17, 1859, and the several supplementary and amendatory acts thereto.

That, with a view to the proper exercise and performance of the rights, duties, and privileges of your petitioners in the premises and out of an abundance of caution, your petitioners desire to have the aforesaid decree and judgment in the matter of the board of commissioners of the second draining district praying for homologation of assessment-roll, &c., No. 15846 of the docket of the late third district court of New Orleans, rendered on the 11th and signed on the 16th of November, 1868, and transferred to this honorable court and numbered 25393 of the docket, revived in conformity to law.

Wherefore your petitioners pray that citation may issue herein citing and admonishing all persons whomsoever it may con-
299 cern to show cause, if any they have or can, why said judgment of homologation should not be revived; that said citation be made in manner and form as required by law, and that after due proceedings had judgment may be rendered herein reviving said judgment rendered as aforesaid in the matter of the board of commissioners of the second draining district praying for homologation of assessment-roll, &c., No. 15846 of the docket of the late third district court of New Orleans; and as in duty bound petitioners pray for general relief in the premises.

(Signed) B. F. JONAS, *City Att'y.*
S. P. BLANC, *Of Counsel.*

Order Attached to Foregoing Petition.

STATE OF LOUISIANA:

Third District Court for the Parish of New Orleans.

No. 25393.

In the matter of the board of commissioners of the second draining district praying for homologation of assessment-roll, &c.

Whereas a petition has been filed herein by the board of administrators of said city, the legal successors and representatives of the late board of commissioners of the second draining district for the revival of the judgment rendered in the matter of "the board of commissioners of the second draining district praying for homologation of assessment-rolls," and being No. 15846 of the docket of the late third district court of New Orleans, which was rendered on the 11th and signed on the 16th day of November, 1868:

300 Now, all persons whom it may concern and all persons owning property affected thereby are hereby cited to appear and show cause, if any they have or can, within thirty days from the first publication hereof, why said judgments of homologation should not be revived.

New Orleans, November 9th, 1878.

(Signed) F. A. MONROE, *Judge.*

Endorsed: No. 25393. Third district court, parish of Orleans. In the matter of the board of commissioners of the second draining district praying for homologation of assessment-roll, &c., &c. Petition for revival of judgment. B. F. Jonas, city att'y. Sam. P. Blanc, of counsel. Filed November 9, 1878. Joe Garidel, d'y cl'k.

17. *Copies of Court Proceedings Declaring Mortgage Lien and Privilege in 3rd Draining District, Marked Exhibit D.*

No. 7482 of the late 8th district court, parish — Orleans, transferred to No. 26622, superior district court, transferred to No. 5608, civil district court, parish of Orleans.

To the honorable the judge of the eighth district court of the
301 parish of Orleans:

The petition of the city of New Orleans, subrogated by law to all the rights, powers, and facilities possessed and enjoyed by the commissioners of the third draining district, and of any corporation charged with the duty of draining and leveeing within the limits of the said districts herein appearing as subrogee as aforesaid, respectfully represents—

That, agreeably to the provisions of an act entitled "An act to provide for leveeing, draining, and reclaiming swamp lands in certain portions of the parishes of Orleans and Jefferson," approved March 18th, 1858, your petitioner has had a plan drawn by W. H. Bell, city surveyor of said city, of a certain section or district of land lying within the parish of Orleans, described in the advertisements hereto annexed and made part hereof and in the said act as lying within the following limits: From the River Mississippi at St. Peter street, along the lower side of said street to Canal Carondelet, following said canal to Bayou St. John; along said bayou to Lake Pontchartrain; along the shores of said lake to Lafayette avenue, following said avenue to the River Mississippi along the banks of said river to the starting point.

That said plan, consisting of two maps and the accompanying tableau contained in five books, accurately designates the limits of said section, and as much as possible the subdivisions of property therein contained and the names of proprietors, and also the divisions and directions of the canals intended to be dug and everything that is by the law required.

That a true copy of said plan was deposited in the office of
302 the recorder of mortgages of the parish on the second day of March, 1872, and notices inserted in French and English in the New Orleans Rupublican and the New Orleans Bee, two newspapers published in the city of New Orleans, once a week during four weeks in succession, announcing that your petitioner is about to proceed to drain said section or district, describing the place where said plan is deposited, accurately defining the limits of said district, and indicating as nearly as possible the time within which the draining thereof will be completed and the probable cost of said work;

all of which will more fully appear by reference to the certificate of the recorder of mortgages and copies of said newspapers containing said notices herewith filed.

Wherefore, the premises considered, your petitioner is entitled to and prays for a decree from this honorable court subjecting each portion of the property situated within the limits of said third draining district to a first-mortgage lien and privilege in favor of your petitioner in the capacity aforesaid for such amount as may be assessed on it for its proportion of the whole cost of the drainage of said section, in accordance with the provisions of the statute by which said privilege, lien, and mortgage are created, and interest thereon at the rate of six per cent. per annum from demand thereof; and petitioner prays for such other and general relief as the nature of the case and the law may require.

And as in duty bound, etc., etc.

(Signed) RUFUS WAPLES,
Attorney for Petitioner.

A true copy.
(Signed) DON GORDON, *D'y Clerk.*

303 Endorsement on the foregoing petition: "7482. Eighth district court. In the matter of the city of New Orleans praying for a decree of mortgage, privilege, &c., upon the property of the third draining district. Petition. Rufus Waples, att'y. Filed 16 Ap'l, 1872. Robert Lynne, d'y cl'k."

Judgment on the Foregoing Petition.

Considering the law and the performance by the petitioner of the necessary preliminaries and duties therein required, it is ordered, adjudged, and decreed that each portion of the property situate within the limits of the third draining district in the parish of Orleans, and described in the advertisements and plans deposited by the city of New Orleans in the office of the recorder of mortgages of said parish as lying within the following limits, from the River Mississippi at St. Peter street, along the lower side of said street to Canal Carondelet, following said canal to Bayou St. John; along said bayou to Lake Pontchartrain; along the shores of said lake to Lafayette avenue, following said avenue to the River Mississippi, and along the banks of said river to the starting point, be, and is hereby, subject to a first-mortgage lien and privilege in favor of the petitioner, the city of New Orleans, in its capacity described in said petition and in the law as the subrogee to "all the rights, powers, and facilities possessed and enjoyed" heretofore by the "board of commissioners of the third draining district and of any corporation heretofore charged with the duty of draining and leveeing within the limits of the said district," for such amount as may be assessed upon said
304 property for its proportion of the whole cost of draining said district, in accordance with the provisions of the statute cre-

ating said first-mortgage lien and privilege, with interest thereon at six per cent. per annum from demand thereof.

New Orleans, 4 May, '72.

(Signed) HENRY C. DIBBLE, *Judge.*

Endorsed : " Filed 4 May, '72. Robert Lyne, d'y cl'k."

A true copy.

(Signed) DON GORDON, *D'y Clerk.*

Petition. Filed June 17, 1872.

In the matter of the city of New Orleans praying for the homologation of assessment-roll, etc.

Eighth District Court, Parish of Orleans.

No. 7482.

To the honorable the judge of the eighth district court :

The petition of the city of New Orleans, subrogated by law " to all the rights, powers, and facilities " possessed and enjoyed by the commissioners of the several draining districts and of any corporation charged with the duty of draining and leveeing within the limits of the said district, herein appearing as subrogee as aforesaid, respectfully represents—

That in conformity with the statute of the State entitled "An act to provide for the collection of the assessments for drainage under the acts of March 18th, 1858, and the act supplementary
305 thereto of March 17th, 1859," a tableau or assessment-roll of the amount to be paid for the purpose of draining and leveeing the property within the third draining district described by law and by the petition heretofore filed in these proceedings has been prepared by your petitioner as required by the acts aforesaid and the act entitled "An act to provide for the drainage of New Orleans," No. 30 of the acts of 1871, and due notice thereof has been given ; that your petitioner has filed a copy of said tableau or assessment-roll in this court and in these proceedings, in which the property assessed is set forth and described, together with the amount assessed and the name of the owner thereof as far as known, and in case the owner or owners are unknown said fact is stated, all of which, together with other necessary particulars, will more fully appear by reference to said copy, containing altogether 546 pages, the first volume from 1 to 95th page, inclusive ; the second from the 96th to the 190, inclusive ; the third from the 191st to the 305th, inclusive ; the fourth from the 306th to the 424, inclusive, and the fifth from the 425 to the 546th page, inclusive, now marked by the clerk A, B, C, D, E respectively to identify them herewith, and your petitioner makes them part of this petition.

That your petitioner is by law charged to make assessments in those parts of the three draining districts as existing under and cre-

ated by the acts of March 18, 1858, and March 17th, 1859, and amendments thereto, and on such other lands as are brought within the protection levees contemplated by the act above cited of the session of 1871, "where no assessments have been made, and to execute and enforce the same as provided by the several acts
306 of the Legislature creating and regulating said boards of draining commissioners."

And your petitioner avers that all the preliminaries required of your petitioner have been complied with, contract made, etc., and that prior to the passage of said act of 1871 no assessment for draining and leveeing purposes under the act of 1858 and its supplements had ever been made upon the lands in the said third draining district.

Your petitioner therefore prays the court to order that all persons whom it may concern do show cause within thirty days from the publication of the order to that effect, if any cause they have, why said assessment-roll should not be approved and homologated; that said order be published in French and English in the official journal twice a week for 30 days, and that after due proceedings had judgment be rendered approving and homologating said assessment-roll, to operate as a judgment against the property assessed and the owner or owners thereof respectively for the amount of assessment against each for the purpose of paying the expenses of the draining and leveeing the said third drainage district, as contemplated by all the acts aforesaid, with ten per centum in addition to the amount assessed to pay cost and counsel fees, as provided by law, and six per cent. per annum interest from the date of the assessment, in accordance with the said acts of the General Assembly, and that said amounts be collected in the manner provided by said acts.

And your petitioner prays for all other and further necessary orders, and for general relief.

(Signed) RUFUS WAPLES,
Att'y for Petitioner.

307 *Order.*

The assessment-roll of the third draining district having been filed in court, and the city of New Orleans as successor and subrogee of the board of commissioners of the several draining districts having filed a petition for the homologation of said assessment-roll, it is—

Ordered, That all persons whom it may concern do show cause, if any they have, within thirty days from the first publication of this order why said assessment-roll should not be approved and homologated; and it is further ordered that this order be published in the English and French languages in the New Orleans Republican newspaper twice each week for thirty days.

New Orleans, June 17th, 1872.

(Signed) HENRY C. DIBBLE, *Judge.*

Eighth District Court for the Parish of Orleans.

No. 7482.

In the matter of the city of New Orleans praying for a decree of mortgage privilege, &c., upon the property of the third draining district.

On motion of Rufus Waples, attorney for the petitioner in the above-entitled case, and on producing to the court due proof of the publication of notice by the publication of the order of this court in the English and French languages twice a week during thirty days in the New Orleans Republican, a daily newspaper published in the city of New Orleans, to all persons interested to show cause why the assessment-roll filed by said petitioner should not
308 be approved and homologated according to law, and on further suggesting that all legal requirements have been observed—

And on further suggesting that he herewith files certificate of the clerk to this honorable court that no opposition to the homologation of said assessment-roll has been filed, it is now ordered, adjudged, and decreed that, the law and the evidence considered, *that* said assessment-roll be, and is hereby, approved and homologated, and this approval and homologation shall operate as and is a judgment against the property described as assessed in said roll, and also against the owner or owners of each property respectively, with ten per centum in addition to the amount assessed for counsel fees and costs, as provided by law, with interest at the rate of six per centum per annum on each amount from the date of the assessment thereof, according to law.

Judgment rendered Nov. 8th, 1872, and signed Nov. 13, 1872.

(Signed) HENRY C. DIBBLE, *Judge.*

This day, Dec. 15th, 1886, exhibited to me a true copy of a copy duly certified to of the original, being now missing from this office.

(Signed) DON GORDON,
D'y Clerk Civil District Court, Parish of Orleans.

309 *Extract from the Copy of Assessment-Rolls of the 3d Draining District. Filed in the 8th District Court, Parish of Orleans, on the 4th day of May, 1872, and Referred to in the Petition Praying for the Homologation of said Assessment-Rolls and in the Foregoing Judgment Homologating said Assessment-Rolls, Rendered on the 8th and Signed on the 13th November, 1872.*

Name of owners of land.	Name of street.	No. of lot.	Measurement.	Superficial feet.	Percentage.	Assessment.
Square 3	St. Ann, Dumaine, Decatur, & public road.					
City of New Orleans	Meat market		320 60	19,100		38 40
Square 10	Decatur, Peters, St. Philip.					
City of New Orleans	Fruit market			5,680		11 35
Square 11	St. Philip, Peters, Decatur, Ursulines.					
City of New Orleans	Vegetable market			29,731		59 25
Square 24	Decatur, Chartres, St. Peter, & St. Ann.					
City of New Orleans	Jackson square			115,921		231 85
Square 45	Chartres, Royal, Orleans, both sides.					
St. Anthony square	Royal	2	150 107	16,050		32 10
Square 46	St. Ann, Orleans, Chartres, Royal.					
City court-house	Chartres		117 200	23,400		46 80
Square 43	St. Peter, Chartres, Orleans, Exchange.					
State arsenal & court-house	Orleans and St. Peter	3	107 125	13,493		27 00
Square 82	Hospital, Dauphine, Barracks, Burgundy.					
City of New Orleans, Barrick School	Barracks	9	60 118	7,080		14 15
Square 113	St. Philip, Dumaine, Rampart, St. Claude.					
Engine-house No. 10, city N. O.	Dumaine	21	33 107	3,531		7 05
Square 115	St. Peter, St. Ann, Rampart, St. Claude.					
City of New Orleans	Place D'Armus or Congo square		370 320	118,400		236 80
Square 149	St. Ann, Orleans, Liberty, Marais.					
Parish prison & police jail				35,779		71 55
Square 166	Orleans, both sides, Marais to Robertson.					
Treme market			57 { 256 / 255 }	29,184		58 35

Extract from the Copy of Assessment-Rolls, &c.—Continued.

Name- of owners of land.	Name of street.	No. of lot.	Measurement.	Superficial feet.	Percentage.	Assessment.
Square 167	St. Ann, Marais, Villere.					
School-house, city	do. to Orleans	13	141 81	11,421		22 85
Square 210	Orleans, St. Peter, Claiborne, Derbigny.					
Engine-house 21, city	Claiborne & St. Peter	1	57 74	4,218		8 45
Square 211	St. Peter's, Carondelet W'k, Claiborne & Derbigny.					
Public school-house	Cla., Car. W. to St. Peter	1	30 182	5,460		10 95
Square- 230 & 231	Derbigny, Bayou R., Roman, Barracks.					
City of New Orleans	Bayou road & Roman	5	51 61	3,111		6 20
Square 289	Barracks, Bayou R., Galvez, Miro.					
Engine-house No. 3	Bayou road, Galvez	8	20 158	3,160		6 30
Square 4	Esplanade, Decatur, Frenchman.					
Creole Fire Co. No. 9				1,921		3 85
Square 9	Marigney, Mandeville, Decatur, Peters.					
Phœnix Fire Engine Co.	Decatur	2	44 75	3,300		6 60
Square 160	Frenchman, Ely. Fields, Dauphine, Royal.					
Washington square			309 309	95,917		191 85
Square 161	Ely. Fields, Marigny, Royal, Dauphine.					
Recorder's office & police station	"	6	36 131	4,710		9 40
Square 371	Spain, Mandeville, St. Claude, Rampart.					
City of New Orleans, De Soto School	Mandeville	2	53 155	8,215		16 45
De Soto School	Spain	14	53 155	8,215		16 45
310	Brought forward					
Square 386	St. Anthony, St. Claude, Bagatelle, Marais.					
Filmore public school	Bagatelle	15	64 128	8,192		16 40
Square 879						
Independence square			690 289	198,813		397 60
Square 1037	Onzaga, Lapeyrousse, Johnson, Galvez.					

City of New Orleans		10 lots, 7	298 100	29,800	------	59 60
Square 2147	Mandeville, Spain, Humanity, Pleasure.					
City of New Orleans	Square			98,955	------	197 90
Square 2149						
Union square				189,000	------	378 00
Square 2847	Ely'n Fields, Gentilly, Cato, Frenchman, Salore.					
Public school	Frenchman & Salore	1	212 120	25,440	------	59 90
City of New Orleans						
All the public streets from St. Peter at above to Lafayette, at below from the River Mississippi to Lake Ponchartrain				102,513,396	------	$205,026 79

A true extract from the copy on file in the civil district court.

DON GORDON,
D'y Clerk Civil District Court.

311 I, Don Gordon, deputy clerk civil district court, parish of Orleans, do certify that the first, second, third, fourth, as well as lines 1 to 5 on the fifth page of the foregoing pages is a true and correct copy of the original on file in clerk's office civil dist. court, parish of Orleans; that page 5, from the 7th line thereof to the bottom of said page, together with the sixth, seventh, eighth, ninth, and tenth pages, are true and correct copies of a duly certified copy of the original thereof this day exhibited to me, said certified copy being filed on the 24th day of August, 1883, in the United States circuit court, eastern district of Louisiana, No. 10337 of said court, the original being missing from the clerk's office of said civil district court; that no answer or opposition was filed by the city of New Orleans in any of said proceedings, as appears from the dockets of said courts where said proceedings were had; and I further certify that the judgments set forth in the foregoing papers are final and executory, and the foregoing extracts from the assessment-rolls marked respectively A, B, C, D, and E, for the third draining district, are true and correct extracts from the copy of assessment-rolls filed in the foregoing matters and referred to in the foregoing judgments homologating said assessment-rolls.

New Orleans, Dec. 15th, 1886.

(Signed) DON GORDON,
[L. S.] *D'y Clerk Civil District Court.*

Certificate of Recorder of Mortgages Referred to in Foregoing Petition, Filed 16th April, 1872, Pages 1, 2, and 3 of Foregoing Pages.

312 OFFICE RECORDER OF MORTGAGES,
PARISH OF ORLEANS.

I hereby certify that on this 2d day of March, 1872, Alfred Shaw, administrator of public accounts of the city of New Orleans, has deposited in this office a plan by W. H. Bell, city surveyor of this date, said plan being said to comprise all the portion of the third drainage district lying in this parish; and also that he has deposited in this office five books, comprising the subdivisions of the property included in said plan; also a plan of the canals intended to be dug and the place where the steam-engines will be established.

(Signed) M. A. SOUTHWORTH,
Rec'd Mort.

Endorsed: Recorder of mortgage's receipt for map and tableau of 3rd draining district, March 2, 1872. Filed 16 April, 1872. Robert Lynne, d'y clerk.

STATE OF LOUISIANA, }
Parish of Orleans. }

CLERK'S OFFICE, CIVIL DISTRICT COURT,
PARISH OF ORLEANS.

I, Don Gordon, deputy clerk civil district court, parish of Orleans,

do hereby certify that the foregoing page 15 is a true and correct copy of the original on file in the clerk's office of the civil district court of the parish of Orleans in the above-entitled matter, now No. 5608 of said civil dist. court.

[L. S.] (Signed) DON GORDON, *D'y Clerk.*

313 *Proof of Publication Referred to in Judgment Homologating Assessment-Rolls, Rendered on the 8th and Signed on the 13th November, 1872, and Found at Pages 9 and 10 of Foregoing Pages.*

Eighth District Court, Parish of Orleans.

No. 7482.

In the matter of the city of New Orleans praying for a decree of mortgage and privilege, &c., upon the property of the third drainage district.

I hereby certify that no opposition to the homologation of the assessment-roll filed herein has been filed, and that the order of court has been duly published twice a week for thirty consecutive days in the official journal, the New Orleans Republican, notifying all persons to make opposition and to show cause, if any they had, why said roll should not be approved and homologated.

New Orleans, November 8th, 1872.

(Signed) ROBERT LYNNE,
[SEAL.] *D'y Clerk Eighth District Court.*

Endorsed: 7482. Clerk's certificate. Filed Nov. 8th, '72. O. M. Tennison, d'y cl'k.

STATE OF LOUISIANA, *Parish of Orleans,* } *ss:*

CLERK'S OFFICE, CIVIL DISTRICT COURT,
PARISH ORLEANS.

314 I, Don Gordon, deputy clerk of the civil district court of the parish of Orleans, do hereby certify that the foregoing pages 15, 16, and 17 are true and correct copies of the original on file in the clerk's office of said civil district court, parish of Orleans, in the above-entitled matter, and now numbered 5608 of said civil district court.

[L. S.] (Signed) DON GORDON, *D'y Clerk.*

Copy of Petition and Order for Revival of Judgment.

In the matter of the city of New Orleans praying for a decree of mortgage privilege, etc., upon property in the third draining district.

Civil District Court, Parish of Orleans, State of Louisiana.

No. 5608.

To the honorable the judges of the civil district court, parish of Orleans, division A:

The petition of the city of New Orleans, a municipal corporation chartered and duly organized under the laws of the State of Louisiana, located in the parish of Orleans, in said State, and of the board of administrators of the said city respectfully represents—

That heretofore, to wit, on or about the 4th day of May, A. D. 1872, a judgment was duly rendered and signed in the above-entitled proceeding by the honorable the judge of the late eighth district court of the parish of Orleans, State aforesaid, declaring
315 all the property situate, lying, and being in the third drainage district subject to a first-mortgage lien and privilege, and on or about the 8th day of November, 1872, a final judgment was duly rendered by the court aforesaid and signed on the 13th day of said month homologating and approving the assessment-roll of the third drainage district and condemning the property-owners named on the said roll to pay a personal judgment for such amount as shall have been placed opposite their names upon the said assessment-roll made under and in conformity to certain acts of the General Assembly of the State of Louisiana in such case provided.

That for greater certainty petitioners respectfully refer to the aforesaid judgments and make the same a part of this petition, together with the assessment-roll of the third drainage district underlying the aforesaid judgment of homologation.

Petitioners further show that in their opinion it is unnecessary to take proceedings for the revival of the judgments had and obtained as aforesaid, but to prevent the rights of all parties interested therein from being clouded over and out of an abundance of caution your petitioners, without waiving or abandoning any privileges or rights conferred by the judgments aforesaid, desire to supplement the same by an order or decree of revival.

Wherefore your petitioners pray that the several parties named or designated in the aforesaid tableau of assessments and the owner or owners of all property referred to therein, whether such owners be known or unknown, by an order of this honorable court to
316 be made and granted herein, may be cited and required to show cause within thirty days from the first publication of said order, if any they can, why the judgments aforesaid should not be regarded as being revived and possessing their original force and effect.

That an attorney *ad hoc* may be appointed by this honorable

court to represent any and all of such defendants in the aforesaid judgments as may be absent and not represented; that the said attorney *ad hoc* may be cited to appear and answer this petition; that this cause may be otherwise proceeded in according to law, and, after due proceedings had, the judgments aforesaid may be decreed to be revived and to have their original force and effect, and that petitioner may have such other and further order, judgment, and decree as may be suited to law and the nature of this case.

(Signed) C. F. BUCK, *City Attorney.*
LACY & BUTLER, *Of Counsel.*

In the matter of the city of New Orleans praying for a decree of mortgage privilege, etc., upon the property of the third drainage district.

Civil District Court, Parish of Orleans, Division —.

No. 5608.

Upon reading the foregoing petition it is hereby ordered that the several parties named and designated in the tableau of assessments referred to in and homologated by a judgment of the honorable the late eighth district court of the parish of Orleans, State of Louisiana, in the above-entitled proceeding, rendered on the eighth day of November, 1872, and signed on the 13th day of the
317 same month, do show cause within thirty days after the first publication of this order, if any they have, why the said judgment of homologation and the preliminary judgment referred to in the petition should not be revived and held to possess their original force and effect.

It is further ordered that Mayer Gutheim, Esq., be, and he is hereby, appointed *curator ad hoc* to represent herein all such of the defendants in the aforesaid judgments as are absent and not represented, and that said *curator ad hoc* be cited and served with a copy of the petition for revival herein filed.

New Orleans, Louisiana, March 17th, 1882.

(Signed) A. L. TISSOT, *Judge.*

Endorsed: No. 5608. Civil district court, parish of Orleans, div. A. In the matter of the city of New Orleans praying for a decree of mortgage privilege, &c., upon the property of the third drainage district. Petition for revival of preliminary judgment and judgment homologating assessment-roll. C. F. Buck, city attorney. Lacy & Butler, of counsel. Filed March 18, '82. E. A. Luminais, d'y cl'k.

18. *Copy of Court Proceedings Declaring First-Mortgage Lien and Privilege in 4th Draining District, Marked Exhibit E.*

318 To the Hon. Jacob Hawkins, judge of the superior district court of the parish of Orleans:

Petition of the city of New Orleans, a municipal corporation chartered by the laws of the State of Louisiana and domiciliated in the parish of Orleans, State aforesaid, and of the board of administrators of said city, herein appearing jointly and severally with the said city, respectfully represents—

That heretofore, to wit, on or about the 18th day of March, 1858, the Legislature of Louisiana, with a view to drain and reclaim the parishes of Orleans and Jefferson, passed an act entitled "An act to provide for leveeing, draining, and reclaiming swamp lands in certain portions of the parishes of Orleans and Jefferson," and in and by the said act created and established these draining districts, known and designated as the first, second, and third draining districts, as will more fully and at large appear from the act aforesaid, to which, for greater certainty, your petitioners respectfully refer.

Further, they show that by an amendatory statute of the General Assembly aforesaid, approved on the 17th day of March, A. D. 1859, the several boards of commissioners provided for by the act passed in the preceding year, among other things were authorized and required to fix and determine the amount of assessment to be levied upon the superficial or square foot of land situated within the draining district or section of such board or boards, as will more fully and at large appear from the aforesaid act, and to which your petitioners respectfully refer your honor.

319 Further, they show that in the year 1871 the General Assembly of Louisiana adopted act No. 30, entitled "An act to provide for the drainage of New Orleans," and therein and thereby, and with a view to raise funds for the payment of the work therein contemplated to be done by the Mississippi and Mexican Gulf Ship Canal Company, the board of administrators of New Orleans were subrogated to all the rights and facilities enjoyed by the aforesaid commissioners of the several draining districts, and of every corporation, if any there were, charged with the duty of draining and leveeing within the limits of the cities of New Orleans and Carrollton.

Further, they show that in and by the act last referred to the board of administrators aforesaid was fully empowered to establish a draining district additional to those created by the act of March 18, 1858, and March 17th, 1859, and were authorized and required to make an assessment of two mills per superficial foot on those parts of the original draining districts, and on such other lands as might be brought within the protection levees contemplated by the aforesaid act No. 30, where no assessments have been made, as will more fully appear from act No. 30 aforesaid, and to which, for greater certainty, your petitioners refer.

Further, they show that by an ordinance of the city council of the city of New Orleans, adopted February 6th, 1872, and known and

designated as No. 1359, A. S., the fourth drainage district was established with the following limits or boundaries, viz:

Commencing on the left bank of the River Mississippi at a point of intersection with Lafayette avenue, thence continuing
320 down the said river to the point of intersection with Fisherman's canal; thence running back from the said river a distance of 9,900 feet or thereabouts to Bayou Bienvenne and Florida Walk; thence continuing along Florida Walk for a distance of 15914 feet or thereabouts, so as to connect through a curved line of 338 feet additional with Lafayette and People's avenue at a point distant from the Mississippi river of 9,600 feet or thereabouts, and thence along Lafayette avenue to the place of beginning.

That your petitioners, being prepared to drain the section or district hereinabove particularly set forth and bounded, provided certain books and plans of the said section or district, therein accurately designating the limits of the district and showing, as far as possible, the subdivisions of the property therein contained, the names of the proprietors, the dimensions and directions of the canals intended to be dug, and the place where the steam-engine will be established; and on the 12th day of November, 1872, your petitioners deposited the aforesaid books and plans with the recorder of mortgages of the parish of Orleans, as will more fully appear from the receipt of such officer hereunto annexed and made a part hereof.

Further, they show that after the deposit aforesaid your petitioners caused notices to be inserted in French and English in two newspapers published in the city of New Orleans at least once a week during four weeks in succession, announcing that petitioners would proceed to drain the fourth section or district aforesaid, designating the place where the plan thereof was deposited and
321 indicating, as near as possible, the time within which the draining of said district would be completed and the probable cost of the work, as will more fully appear from the notices and papers aforesaid filed herewith and made a part hereof.

Further, your petitioners show unto your — that by an ordinance of the city council, adopted November 19, 1872, known as No. 1877, an assessment of two mills per superficial foot, in accordance with the authorization and requirement of the statute of the State of Louisiana, was levied and imposed upon all the lands comprised within the fourth drainage district aforesaid, as will more fully appear from a certified copy of such ordinance hereto annexed and made a part hereof.

The premises considered, your petitioners pray for a decree from this honorable court subjecting each portion of the property situated within the limits of the 4th draining district or section aforesaid to a mortgage lien and privilege in favor of your petitioners for the objects and purposes contemplated and prescribed by law, particularly by act No. 30 of the State of Louisiana, passed in the year 1871, for such amounts as *is* or may be assessed upon such property for its proportion of the costs of draining such district or section, in accordance with the provisions of the statute or statutes by or under which

said privilege lien and mortgage are recognized, authorized, or created, and interest thereon at the rate of six per cent. per annum from demand thereof, together with all costs and such other and general relief as the nature of the case and the law may require.

(Signed) GEO. S. LACEY, *Attorney.*

322 In the matter of board of administrators praying for recognition of mortgage and recovery of assessments in 4th drainage district.

Superior District Court, Parish of Orleans.

No. 807.

On motion of Geo. S. Lacey, attorney for the board of administrators of this city of New Orleans, and for said city acting herein for the purposes and objects provided by law, particularly act No. 30 of the General Assembly of Louisiana, passed in the year 1871, and upon due proof of the facts and allegations set forth and contained in the petition filed herein, more particularly the publication of notice in two public newspapers for the time and in the manner required by law, and the law and evidence authorizing the same:

It is ordered, adjudged, and decreed that each portion of the property situate in the fourth draining district, bounded and described as follows, commencing on the left bank of the River Mississippi at the point of intersection with Lafayette avenue, thence continuing down the said river to the point of intersection with Fishermen's canal; thence running back from the said river a distance of 9,900 feet or thereabouts to Bayou Bienvenue and Florida Walk for a distance of 15,914 feet or thereabouts, so as to connect through a curved line of 338 feet additional with Lafayette and People's avenue- at a point distant from the Mississippi river of 9,600 feet or thereabouts, and thence along Lafayette avenue to the place of beginning, be, and the same is hereby, subject to a first-mortgage lien and privilege in favor of petitioners, the city
323 of New Orleans and the board of administrators of said city, for such amount as is or may be assessed upon said property for its proportion of the whole costs and expenses of draining the aforesaid district, in accordance with the law, and particularly act # 30 above referred to, in such cases made and provided, creating and continuing said first-mortgage lien and privilege, with interest thereon at six per cent. per annum from demand thereof.

Rendered January 29th, 1873.

Signed February 3d, 1873.

(Signed) JACOB HAWKINS, *Judge.*

OFFICE RECORDER OF MORTGAGES,
PARISH OF ORLEANS.

I hereby certify that on this 12th day of November, 1872, Alfred Shaw, administrator of public accounts of the city of New Orleans, has deposited in this office a plan by W. H. Bell, city surveyor of

this date, said plan being said to comprise all the portion of the fourth draining district lying in this parish; and also that he has deposited in this office two books said to comprise the subdivisions of the property included in said plan; also a plan of the canals intended to be dug and the place where the steam-engines will be established.

(Signed) M. A. SOUTHWORTH,
Recd. Mort.

"Duplicate."

N. ORLEANS, *Nov.* 12, 1872.

Rec'd of the city of New Orleans $20 for the deposit of
324 drainage plans and the evidence of the decree thereof.

(Signed) M. A. SOUTHWORTH,
Recd. Mort.

"Duplicate."

A true copy.
New Orleans, M'ch 29th, '88.
[L. S.] (Signed) M. A. McDONNELL, *D'y Cl'k.*

Superior District Court, Parish of Orleans.

In the matter of the board of administrators praying for recognition of mortgages and rocovery of assessments.

No. 807.

Petition to homolgate, &c. Affidavit. Geo. S. Lacey, att'y. Filed February 7, 1873. (Signed) O. M. Tenison, d'y cl'k.

To the Honorable Jacob Hawkins, judge of the superior district court of the parish of Orleans:

The petition of the city of New Orleans, a municipal corporation chartered by the laws of the State of Louisiana and domiciliated in the parish of Orleans, State aforesaid, and of the board of administrators of said city, herein appearing jointly and severally with the said city, respectfully represents—

325 That heretofore, to wit, on or about the 18th day of March, 1858, the Legislature of Louisiana, with a view to drain and reclaim the parishes of Orleans and Jefferson, passed an act entitled "An act to provide for leveeing, draining, and reclaiming swamp lands in certain portions of the parishes of Orleans and Jefferson," and in and by the said act created and established three draining districts, known and designated as the first, second, and third draining districts, as will more fully and at large appear from the act aforesaid, to which, for greater certainty, your petitioners respectfully refer.

Further, they show that by an amendatory statute of the General Assembly aforesaid, approved on the 17th day of March, A. D. 1859, the several boards of commissioners provided for by the act passed in

the preceding year, among other things, were authorized and required to fix and determine the amount of assessment to be levied upon the superficial or square foot of land situated within the draining district or section of such board or boards, as will more fully and at large appear from the aforesaid act, and to which your petitioners respectfully refer your honor.

Further, they show that in the year 1871 the General Assembly of Louisiana adopted act No. 30, entitled "An act to provide for the drainage of New Orleans," and therein and thereby, and with a view to raise funds for the payment of the work therein contemplated to be done by the Mississippi and Mexican Gulf Ship Canal Company, the board of administrators of New Orleans were subrogated to all the rights, powers, and facilities enjoyed by the aforesaid com-
326 missioners of the several draining districts and of every corporation, if any there were, charged with the duty of draining and leveeing within the limits of the cities of New Orleans and Carrollton.

Further they show that in and by the act last referred to the board of administrators aforesaid was fully empowered to establish a draining district additional to those created by the act of March 18, 1858, and March 17, 1859, and were authorized and required to make an assessment of two mills per superficial foot on those parts of the original draining districts and on such other lands as might be brought within the protection levees contemplated by the aforesaid act No. 30 where no assessments have been made, as will more fully appear from act No. 30 aforesaid, and to which, for greater certainty, your petitioners refer.

Further they show that by an ordinance of the city council of the city of New Orleans adopted February 6, 1872, and known and designated as No. 1359, A. S., the fourth drainage district was established, with the following limits or boundaries, viz:

Commencing on the left bank of the River Mississippi at the point of intersection with Lafayette avenue, thence continuing down the said river to the point of intersection with Fishermen's canal; thence running back from the said river a distance of 9,900 feet or thereabouts to Bayou Bienvenue and Florida Walk for a distance of 15,914 feet or thereabouts, so as to connect through a curved line of 338 feet additional with Lafayette and People's avenues at a point distant from the Mississippi river *of* 9,600 feet or thereabouts, and thence along Lafayette avenue to the place of beginning.

327 That your petitioners, being prepared to drain the section or district hereinabove particularly set forth and bounded, provided certain books and plans of the said section or district, therein accurately designating the limits of the district and showing as far as possible the subdivision of the property therein contained, the names of the proprietors, the dimensions and the directions of the canals intended to be dug, and the place where the steam-engine will be established; and on the 12th day of November, 1872, your petitioners deposited the aforesaid books and plans with the recorder of mortgages of the parish of Orleans, as will more fully appear

from the receipt of such officer, hereunto annexed and made part hereof.

Further they show that after the deposit aforesaid your petitioners caused notices to be inserted in French and English in two newspapers published in the city of New Orleans at least once a week during four weeks in succession, announcing that petitioners would proceed to drain the fourth section or district aforesaid, designating the place where the plan thereof was deposited and indicating as near as possible the time within which the draining of the said district would be completed and the probable cost of the work, as will more fully appear from the notices and papers aforesaid, filed herewith and made a part hereof.

Further your petitioners show unto your honor that by an ordinance of the city council adopted November 19th, 1872, known as No. 1877, an assessment of two mills per superficial foot, in accordance with the authorization and requirement of the statute

State of Louisiana, was levied and imposed upon the
328 lands comprised within the fourth drainage district aforesaid, as will more fully appear from a certified copy of such ordinance, hereto annexed and made a part hereof.

And your petitioners further show unto your honor that they have made and completed a tableau of assessment of property lying within the fourth drainage district or section aforesaid, and therein have set forth the property described, together with the amount of tax imposed; also the names of the owners of such property when known and when not known — a statement that the property assessed belongs to owners unknown; and have caused notice of the completion of such tableaux and the filing of the same in the office of the recorder of mortgages of the parish of Orleans and in the office of the clerk of this honorable court, and also in the office of the administrator of public accounts of the city of New Orleans, to be given by publication in the English and French languages in the New Orleans Bee and Republican for the time required by law, a copy of which notice is hereto annexed and made a part hereof.

The premises considered, your petitioners pray for an order requiring all persons whom it may concern to show cause within thirty days from the first publication of said order, if any they have, why said assessment-roll should not be approved, homologated, and made the judgment of the court; that in due course of law the said tableaux may be homologated and approved and that judgment be rendered for the amount set forth in the assessment-roll, together with interest at the rate of six per cent. per annum from the time of demanding payment of the amount assessed, and also ten
329 per cent. in additional to the amount awarded, with interest, to be paid to the attorney of petitioners for counsel fees herein, and that such other and further order, judgment, and decree may be entered as is suited to law and the nature of the case.

(Signed) GEO. S. LACEY, *Attorney.*

In the matter of board of administrators praying for a recognition of mortgage and recovery of assessments in 4th draining district.

Superior District Court, Parish of Orleans.

No. 807.

Geo. S. Lacey, attorney for petitioners, being duly sworn, doth depose and say that, the tableaux of assessments referred to in the foregoing petition having been completed, notice of such completion and the filing of said tableaux in the office of the recorder of mortgages of the parish of Orleans and in the office of the clerk of the superior district court, and also in the office of the administrator of public accounts of the city of New Orleans, was given by publication in the French and English languages in the New Orleans Republican and New Orleans Bee, public newspapers published in the city of New Orleans, on the 30th and 31st days of January and on the 1st, 2d, 3rd, 4th, 5th, 6th, 7th days of February, A. D. 1873, as will more fully appear from copies of said newspapers filed with this affidavit and with the petition to which the same is attached.

(Signed) GEO. S. LACEY.

Sworn to and subscribed before me this 7th day of February, A. D. 1873.

(Signed) O. M. TENISON, *D'y Clerk.*

330 In the matter of the board of administrators praying for recognition of mortgage and recovery of assessments in 4th drainage district.

Superior District Court, Parish of Orleans.

No. 807.

On motion of Geo. S. Lacey, attorney, and upon filing an accompanying affidavit, together with New Orleans Republican and New Orleans Bee, it is ordered that all persons whom it may concern show cause within thirty days from the first publication of this order, if any they have, why the assessment-roll of the property lying within the fourth drainage district of the city of New Orleans, comprised within the following limits, viz., commencing on the left bank of the Mississippi river at the point of intersection with Lafayette avenue, thence continuing down the said river to the point of intersection with Fisherman's canal; thence running back from the river a distance of 9,900 feet or thereabouts to Bayou Bienvenue and Florida Walk; thence continuing along Florida Walk for a distance of 15,914 feet or thereabouts, so as to connect, through a curved line of 338 feet additional, with Lafayette and People's avenues at a point distant from the Mississippi river *of* 9,600 feet or thereabouts, and thence along Lafayette avenue to the place of beginning, should not be approved and homologated and judgment of the

court be rendered in manner and form as prayed for in the petition on file.

Dated New Orleans, February 10th, A. D. 1873.

(Signed) JACOB HAWKINS, *Judge.*

331 CLERK'S OFFICE SUP'R DISTRICT COURT,
NEW ORLEANS, *October* 19, 1874.

I hereby certify that the foregoing petition, affidavit, and order *to be* true copies of the original filed in the matter of the 4th drainage district, No. 807 of the docket of this court.

(Signed) JOHN BURKE, *Clerk.*

STATE OF LOUISIANA:

Superior District Court for the Parish of Orleans.

To city of New Orleans, all the streets from Lafayette avenue to lower parish line, from the Mississippi river to Florida avenue:

I hereby certify that on the 15th day of March, 1873, judgment was rendered in this court in the following-entitled suit, viz:

In the matter of the board of administrators praying for recognition of mortgage and recovery of assessments in the 4th drainage district.

Sup'r Dist. Court, Parish of Orleans.

No. 807.

Homologating the tableaux of assessments and condemning you to pay the sum of sixty-five thousand nine hundred and fifty-six dollars and seventy-five cents, with six per cent. per annum interest thereon from the 29th day of January, A. D. 1873, until paid; also ten per cent. upon the amount aforesaid for attorney's fees and costs of suit, with a decree of mortgage and lien and privilege
332 upon certain property belonging to city of New Orleans and described and designated on said tableaux for the payment of the amount hereinabove set forth.

In testimony whereof I have hereunto set my hand and affixed the seal of the said court, at the city of New Orleans, on this 21st day of March, in the year of our Lord one thousand eight hundred and seventy-three, and the ninety-seventh year of the Independence of the United States.

(Signed) J. BURKE, *Clerk.*

Received May 30, 1873, and on the thirty-first day of the same month and year served copy of the within judgment on The City of New Orleans, defendant herein, by leaving same at the office of the Hon. Lewis A. Wiltz, mayor of said city, in the city hall, corner St. Charles and Lafayette streets, in the hands of E. W. Halsey, his

secretary, who informed me that the mayor was absent from his office at the time of said service.

Returned same day. Sheriff's fee, $.50.

(Signed) B. N. LACOSTE, *D'y Sheriff.*

A true copy.

(Signed) J. J. HANNON, *D'y Clerk.*

STATE OF LOUISIANA:

Superior District Court for the Parish of Orleans.

I hereby certify that on the 15th day of March, 1873, judgment was rendered in this court in the following-entitled suit in
333 the words and figures following, to wit:

In the matter of the board of administrators praying for a recognition of mortgages and recovery of assessments in the 4th drainage district.

Sup'r Dist. Court, Parish of Orleans.

No. 807.

This cause was duly taken up for the purpose of homologating the tableaux of assessments filed herein on the 29th day of January, A. D. 1873, as far as not opposed, viz:

By Widow Lesseps, Albin Soulé, Bernard Soulé, heirs of Norbert Soulé, and Frank N. Butler, attorney *ad hoc.* Present: Geo. S. Lacey, attorney for board of administrators, &c.

When, after hearing evidence and the arguments of counsel and the law and evidence authorizing the same—

It is hereby ordered, adjudged, and decreed that the assessment-rolls or tableaux aforesaid embracing the property lying within the fourth drainage district of the city of New Orleans, comprised within the following limits, viz: Commencing on the left bank of the River Mississippi at a point of intersection with Lafayette avenue, thence continuing down said river to the point of intersection with Fisherman's canal; thence running back from the said river a distance of 9,900 feet or thereabouts to Bayou Bienvenu and Florida Walk for a distance of 15,914 feet or thereabouts, so as to connect through a curved line of 338 feet additional with Lafayette and People's avenue, at a point distant from the Mississippi river *of* 9,600 feet or thereabouts, and thence along Lafayette avenue to the place
334 of beginning," be, and the same is hereby, homologated and approved, and in addition thereto judgment is now rendered in favor of the city of New Orleans and the board of administrators of said city, jointly and severally, for account of the several parties and for the uses and purposes designated and provided for by law and against the several pieces of property set forth or described in such tableaux or assessment-roll and the respective owners thereof, known and unknown, for the amount or amounts therein set forth against said property or the owners thereof, together with interest at

the rate of six per cent. per annum from the 30th day of January, A. D. 1873, and also ten per cent. upon and in addition to the amount above allowed for principal and interest as fees for the attorney herein named, together with such costs as may have accrued or may hereafter accrue in the prosecution of these proceedings.

And it is further ordered, adjudged, and decreed that the mortgage and lien hereafter declared by an order or judgment of this court be, and the same is hereby, recognized and confirmed; and the city of New Orleans and the board of administrators, for the uses and purposes required by law, and any and all parties having an interest in this judgment as therein set forth are hereby declared to have a mortgage and lien on the several pieces of property mentioned and described in the assessment-roll or tableaux herein referred and homologated for the payment and satisfaction of this judgment, principal and interest, attorney's commission, and costs.

Judgment signed 20 day of March, A. D. 1873.

(Signed) JACOB HAWKINS, *Judge.*

335 In testimony whereof I have hereunto set my hand and affixed the seal of the said court, at the city of New Orleans, on this 21 day of October, in the year of our Lord one thousand eight hundred and seventy-four, and the ninety-eighth year of the Independence of the United States.

(Signed) J. J. HANNON, *D'y Clerk.*

Extract from Tableaux.

(Endorsed on foregoing judgment.)

Bill.	Name owner.	Property.
3048.	City of New Orleans.	All streets from Lafayette avenue to lower parish line and from the River Mississippi to Florida avenue.

Amount of drainage tax, $65,956.72.
10 per cent., $6,595.75, and interest.

CLERK'S OFFICE, SUPERIOR DISTRICT COURT,
NEW ORLEANS, *October 21st, A. D.* 1874.

In the matter of the board of administrators applying for a recognition of mortgages and payment of assessments of the fourth drainage district.

Superior Dist. Court, Parish of Orleans.

No. 807.

I hereby certify that in the above-entitled matter no answer or opposition to the homologation of the tableaux of assessments was filed by the city of New Orleans; that the city of New
336 Orleans prayed for such homologation, and that the judgment of homologation rendered on the 15th day of March, A.

D. 1873, and signed on the 20th day of March, A. D. 1873, is final and executory.

In witness whereof I have hereunto affixed my official signature and the seal of the said court, at the city of New Orleans, this 21st day of October, A. D. 1874.

(Signed) J. J. HANNON, *D'y Clerk.*

COMPTROLLER'S OFFICE, NEW ORLEANS, *December* 4, 1886.

I hereby certify the foregoing to be true and correct copies of the transcript in the above entitled and numbered cause as registered in this office November 5th, 1874, in Book 2, folios 74 to 87, inclusive.

(Signed) E. T. WILLIAMS,
Legal Process Cl'k.

19. *Assessment-Rolls as Homologated by the Supreme Court of Louisiana.*

Motion and order, &c., to file corrected extracts from assessment-rolls in the 1st draining district. Entered and filed 18 Feb'ry, 1888.

United States Circuit Court, Eastern District of Louisiana.

337 THE UNITED STATES *ex Rel.* JAMES WALLACE PEAKE
vs.
THE CITY OF NEW ORLEANS *et al.*
} No. 11641.

On motion of Richard De Gray and Robert Mott, attorneys for relator, and on suggesting to the court that at the time copies of the proceedings "in the matter of the — praying for a homologation of the assessment-rolls" were made and certified by Don A. Gordon, deputy clerk civil district court, parish of Orleans, the original assessment-rolls filed in said matter could not be found among the records of said court, and that because thereof there was attached to said certified copies of said proceedings what purported to be extracts of said rolls certified to by W. T. Mayo, book'er, &c., all of which was subsequently filed in suit No. 11614 on the docket of this hon. court, as well as offered in evidence herein on the 27th day of January, 1888, with copies of said proceedings certified by said Don A. Gordon as aforesaid, under the designation and mark of A & A 1, and that there are errors in said extracts of said assessment-rolls certified to by said W. T. Mayo, book-keeper as aforesaid, and that copies of said assessment-rolls filed in the lower court, duly certified under the hand and seal of the clerk of the late seventh district court of the parish of Orleans, and filed in the supreme court of the State of Louisiana as part of the transcript of appeal in said matter, which were homologated by judgment and decree of said supreme court, whereof a report is to be found in
338 the 27th Annual R., p. 20, &c., have been found and are now here present in this hon. court, and true and correct extracts

from said rolls, as far as the same relate to the assessments in said 1st draining district, have been made and are made part of this motion—

It is ordered by the court that relator now have leave to file and offer in evidence herein said extracts from said assessment-rolls in said first draining district filed in said supreme court of Louisiana and homologated by said court as aforesaid, and that this offering be taken and stand in the place and stead of said extracts certified to by said W. T. Mayo as aforesaid and heretofore offered in evidence herein on January 27th, 1888.

And on further suggesting that in the judgment rendered in the third district court for the parish of Orleans in the matter of the commissioners of the first draining district, No. 17028 on the docket of said court, rendered on the 11th of March, 1863, and signed on the 17th day of March, 1863, there was a clerical error committed by the clerk of said court in writing up said judgment in using the word "or" instead of the word "and," and that said error was duly corrected by said court on the 1st of August, 1863, as appears from an inspection of the transcript of appeal in said matter now here present in court—

It is ordered by the court that said order of said third district—making the collection aforesaid be filed as part of this motion and order and stand as a part of said document A and A 1 and become as a part of the offering thereof made herein on the 27th of January, 1888.

339 *Extracts from Transcript of Appeal No.* 4338, *Supreme Court of Louisiana, Vol.* 2, *Page* 101, *etc.*

STATE OF LOUISIANA:

Third District Court for the Parish of Orleans.

No. 17028.

Commissioners of the first draining district praying for the homologation of the assessment-roll.

Order correcting *fi. fa.*, &c. Filed Aug'st 1st, 1863.

On motion of C. Roselius, of counsel for the board of commissioners of the first draining district, on giving the court to understand and be informed that in issuing an execution in this case the clerk of the court has committed a clerical error by substituting the name of Charles Genois in lieu of that of Jean Genois—

It is ordered that the sheriff return said writ of *fieri facias* thus erroneously issued, and that a correct writ of *fieri facias* be issued against the proper party in accordance with the judgment.

And on further suggesting to the court that another clerical error has been committed by the clerk in drawing up the judgment in this case by using the word "or" instead of "and," it is now ordered that said error be now corrected.

340 *Extracts from Assessment-Rolls, 1st Draining District, New Orleans, Filed in No.* 17028, *Third District Court, New Orleans, and in No.* 4338, *Sup. Court Louisiana, City of New Orleans.*

Remarks.	Title of public streets.	Areas.	Amounts.
The streets running from the river to Claiborne are calculated the whole length. " " " at intersections are calculated the whole length, less the intersections.	North half of Julia St. to Rampart	132,341	
	Florida walk from Rampart to Claiborne	314,550	
	Notre Dame	66,130	
	Girod from Levee to Liberty	234,916	
	Lafayette " Claiborne	321,695	
	South St. south of Lafayette Sq.	15,732	
	North St. north of Lafayette Sq.	15,723	
	Poydras St. from Levee to Claiborne	565,683	
	Natchez	19,955	
	Commercial alley	8,184	
	Perdido from Levee to Claiborne	161,580	
	Union St.	36,522	
	Gravier from Levee to Claiborne	242,308	
	Common from Levee to Claiborne	373,684	
	Gasquet from Basin to Claiborne	83,684	
	Canal from Levee to Claiborne	902,964	
	Custom-House from Front to Claiborne	213,213	
	Bienville from Clay to Claiborne	197,981	
	Conti from New Levee to Claiborne	185,935	
	St. Louis from Levee to Claiborne	183,589	
	Toulouse from Levee to Claiborne	120,502	
	Jefferson street	12,308	
	South half of St. Peter	45,450	
	Carondelet Walk from Basin to Claiborne	97,955	

Extracts from Assessment-Rolls, &c.—Continued.

Remarks.	Title of public streets.	Areas.	Amounts.
The streets running from the river to Claiborne are calculated the whole length. The streets running at intersections are calculated the whole length, less the intersections.	Cypres- from Liberty to Claiborne	95,490	
	Perrilat from Liberty to Lafayette	52,560	
	Willow Av., St. Adeline from Florida to Claiborne, cross-Sts. not included	47,736	
	Clara Av., Magdeline St.	88,872	
	Magnolia street	117,799	
	Locust	106,526	
	Freret	69,028	
	Howard	90,590	
	Liberty	111,872	
	Franklin	225,259	
	Basin	463,730	
	Rampart or Circus St.	411,289	
	Dryades "	121,410	
	Penn	12,852	
	Barrone	169,179	
	Carroll	13,020	
	Carondelet	158,697	
	St. Charles	157,312	
	St. Mary, St. Francis	32,718	
	Camp street	144,270	
	Bank Place	8,175	
	Magazine St.	129,465	
	Foucher "	24,570	
	Tchoupitoulas from Julia to Canal	118,080	
341	Amount bro't forward		
	Common street	50,310	
	New Levee "	123,816	
	Fulton "	111,104	
	Front "	106,702	
	Delta "	103,354	
	Crossman "	17,940	

Extracts from Assessment-Rolls, &c.—Continued.

Remarks.	Title of public streets.	Areas.	Amounts.
Streets from the river to Claiborne street. Crossing streets are not included.	Robertson, crossing St. not included	121,264	
	Vellere, crossing St. not included	118,402	
	Marais, crossing St. not included	118,405	
	Treme, crossing St. not included	116,812	
	Burgundy, crossing St. not included	72,922	
	Dauphine, crossing St. not included	73,074	
	Bourbon, crossing St. not included	73,112	
	Royal, crossing St. not included	73,150	
	Exchange alley, crossing St. not included	30,700	
	Chartres, crossing St. not included	73,264	
	Dorciere, crossing St. not included	12,480	
	Old Levee, crossing St. not included	96,390	
	Clinton, crossing St. not included	9,580	
	Peters	74,860	
	Batture of Levee between Canal & St. Peters streets	420,800	
		9,521,574 $3\frac{3}{10}$ mills	$3,142.11\frac{9}{10}$
	Streets north of Metarie road to the Lake:		
	Catenat street	652,156	
	Harney "	302,450	
	Milne "	977,874	
	Custom-House "	814,200	
	Louisville "	814,920	
	Bienville avenue (canal not included)	1,613,322	
	Vicksburg street	816,420	
	Conti "	817,082	
	Memphis "	817,563	

Extracts from Assessment-Rolls, &c.—Continued.

Remarks.	Title of public streets.	Areas.	Amounts.
	St. Louis avenue	1,662,984	
	Toulouse street	709,562	
	Anthony "	710,342	
	St. Peter "	711,181	
	Orleans avenue (canal not included)	2,581,129	
	St. Ann street	709,201	
	Murat "	709,924	
	Dumaine avenue	1,421.284	
	Napoleon street	711,302	
	St. Philip "	711,966	
	Solomon "	712,622	
	Ursulines Ave. (canal not included)	1,626,882	
342	Amount forward		
The streets running from the Metarie road to the lake are calculated the whole length. The streets running crosswise are calculated whole length, less intersections of other streets.	Hospital street	823,261	
	Barracks street	823,922	
	Esplanade "	726,403	
	Fort "	302,880	
	First "	52,232	
	Second "	41,557	
	Third "	39,012	
	Fourth "	36,726	
	Fifth "	34,136	
	Sixth "	32,648	
	Seventh "	30,111	
	Eighth "	26,769	
	Ninth "	18,332	
	Tenth "	18,057	
	Eleventh "	15,089	
	Twelfth "	12,121	
	Thirteenth "	9,153	
	Fourteenth "	6,185	
	Fifteenth "	3,217	
	Cross-streets:		
	Fisk street	106,431	
	Genois "	145,348	
	Passage "	23,320	
	Mexico "	92,960	
	May "	328,052	
	Cass "	218,522	

Extracts from Assessment-Rolls, &c.—Continued.

Remarks.	Title of public streets.	Areas.	Amounts.
The streets running from the Metarie road to the lake are calculated the whole length. " " crosswise are calculated whole length, less intersections of other streets.	Houston street	393,980	
	Adams avenue	793,592	
	Delophone street	402,843	
	Brown "	400,080	
	Butler "	405,900	
	North "	407,823	
	Filmore avenue, canal not included	578,820	
	Conrad street	401,160	
	Walker "	397,920	
	Mouton "	403,380	
	Downs "	401,520	
	Jackson avenue	783,488	
	Ridgley street	409,680	
	Twiggs "	413,402	
	Smith "	411,420	
	Lane "	407,022	
	Harrison ave. (canal not included)	1,429,814	
	Bragg street	413,220	
	Fremont "	415,800	
	French "	418,500	
	Ringold "	423,420	
	Polk avenue	855,120	
	Gaines avenue	413,102	
	343 Amount forward		
	Harney street	422,220	
	Brooks "	419,700	
	Scotts "	419,352	
	Taylor avenue (canal not included)	581,190	
	Masson street	410,460	
	Crittenden "	402,012	
	Corwin "	401,520	
	Clement "	394,746	
	Manoc avenue	884,520	
	Webster street	180,120	
	Dickinson "	172,260	
	Clay "	169,920	
	Calhoun "	164,700	
	North half of Metairie road, new	325,850	
	Saphara street	40,152	
	Plaine "	39,348	
	Plaquemine "	38,508	
	Live Oak "	37,702	

Extracts from Assessment-Rolls, &c.—Continued.

Remarks.	Title of public streets.	Areas.	Amounts.
The streets running from the Metarie road to the lake are calculated the whole length. The streets running crosswise are calculated whole length, less intersections of other streets.	Ash street	36,902	
	Poplar "	36,104	
	Laurel "	35,250	
	Hickory "	34,454	
	Dublin avenue	85,760	
	Chestnut street	32,650	
	Lilac	31,850	
	Magnolia	31,008	
	Cypress	30,006	
	Cotton	29,404	
	Pine	28,601	
	London avenue	120,312	
	Cherry street	29,102	
	Walnut "	28,256	
	Raspberry "	27,450	
	Esplanade avenue	60,170	
	Mulberry street	19,251	
	Plum "	25,803	
	Cedar "	25,002	
	Paris avenue	61,823	
	Cock Pitt street	23,301	
	Robin "	22,703	
	Dove "	21,153	
	Swan "	21,802	
	Woodcock avenue	28,803	
	Pigeon	17,300	
	Lark	21,052	
	Goose	20,500	
	Duck	19,902	
	Rail	19,253	
	344 Amount forward		
	Snipe street	18,652	
	Plover "	16,604	
	Turkey avenue	15,606	
	Quail	3,300	
	Cross	18,497	
	Comfort	35,086	
	Bridge	34,821	
	Virginia	30,528	
	Helena	22,525	
	Canal	165,240	
	Gasquet	3,975	
	North half of old Metarie	58,781	
	Total	52,855,423	$17,442 29
		$3\frac{3}{10}$ mills	

345 *Extract from Assessment-Rolls 1st Drainage Dist., New Orleans, Filed in Suit No. 9189, 7th Dist. Court, New Orleans, & No. 4338, Supreme Court Louisiana, & Homologated by Decree of that Court. 27 Annual Reports, p. 20. Roll in Sup. Court Marked B and Filed October 31, 1872.*

No. of bill.	Names of owners of land.	Nos. installment.	No. of square.	Names of streets.	Nos. of lots.	Area, superficial feet.	Amount due.
99	City of New Orleans	1 to 10	9	Old Levee	3 alley.	296	95
100	do.	"	"	St. Louis	4	1,186	3 96
682	do. engine-house No. 7	"	68	Dauphine	18	4,005	13 55
1074	do. do.	"	123	Conti	11	2,775	9 15
1383	do. school-house	"	185	Bienville	5	8,310	27 40
3337	do.	"	1 c.	Water, Gravier, Delta, & Comm.		23,213	76 60
8	do.	"	2 c.	" " " Poydras		28,422	93 80
9	do.	"	3 c.	" Lafayette " "		44,568	147 05
3340	do.	"	4 c.	" " " Girod		43,645	144 00
1	do.	"	5 c.	" Notre Dam " "		28,574	94 30
3780	do. engine-house No. 2	"	130	Tchoupitoulas	8	1,380	4 55
4223	do. Lafayette square	"	176	South, St. Claude, North Camp		120,713	398 35
4271	do. school-house	"	180	St. Charles	11	15,049	49 65
4340	do. Washington artillery	"	219	Girod	29	2,522	8 30
1	do. engine-house No. 5	"	"	"	30	3,504	11 55
2	do. do.	"	"	"	31	2,643	8 70
4	do. city hall	"	220	Lafayette	2	6,232	20 55
5	do. do.	"	"	"	3	5,218	17 20
6	do. do.	"	"	St. Charles	4	10,852	35 80
4385	do. engine-house No. 13	"	221	Perdido	14	2,666	8 80
9	do. La. Hose Co.	"	"	Carondelet	18	2,822	9 30
4795	do. Poydras market	"	260	Penn, Poydras, Dryades & N. Poy's		13,209	43 60
4807	do.	"	261	Baronne	12	1,378	4 55
5030	do. Poydras market	"	271	Dryades, N. & S. Ram't, & So. Poy's		11,742	38 75
5158	do.	"	295	Rampart	4	2,158	7 10
5581	do. Fisk school	"	332	Franklin	18	3,216	10 60

2	do.	do.	"	332	"	19	3,216	10	60
3	do.	do.	"	"	"	20	3,216	10	60
4	do.	do.	"	"	"	21	3,216	10	60
5	do.	do.	"	"	"	22	3,216	10	60
5740	do.	engine-house No. 4	"	339	Common	11	3,306	10	90
5853	do.	work-house	"	377	Cypress, Perrillat	All sq.	55,467	183	05
4	do.	House of Refuge	"	396	" Mag'a, Perrillat	"	62,245	198	80
6845	do.		"	470	Palmyra	6	2,975	9	80
6	do.		"	"	"	7	2,975	9	80
7	do.		"	"	"	8	2,975	9	80
8	do.		"	"	"	9	2,975	9	80
9	do.		"	"	"	10	2,975	9	80
6850	do.		"	"	"	11	2,975	9	80
6989	do.		"	475	Bertrand & No. Poydras	1	3,963	13	05
6990	do.		"	"	Bolivar & Pydras	2	3,963	13	05
Several Nos.	do.	City park	"	55	Squares, various Nos.		7,367,500	24,319	35
	do.	All the streets included within St. Peter, Car't to Julia & River to Claiborne					9,521,574	31,421	20
	do.	do. do.			Florida L'g to Bayou St. John, Metarie, & Lake		52,945,423	173,619	90
							70,384,553	231,168	50

346 *Extracts from Assessment-Rolls, 1st Draining District, New Orleans, Filed in No. 17023, Third District Court, New Orleans, & in No. 4338, Supreme Court Louisiana. Roll in Sup. Court of Louisiana Marked A and Filed October* 31, 1872.

CITY OF NEW ORLEANS.

Remarks.	Title of property.	Square.	Lots.	Areas.	Mills.	Amounts.
	City of New Orleans	9	3	296	$3\frac{3}{10}$	09
	" "	9	4	1,186	----	39
	Engine-house No. 7	68	18	4,105	----	1 35
	(Basin St.)	123	11	2,775	----	91
	Bienville school	185	5	8,310	----	2 74
	Levee ground	1 C	Sq.	23,213	----	7 66
	"	2 C	"	28,422	----	9 38
	"	3 C	"	44,568	----	14 17
	"	4 C	"	43,645	----	14 40
	"	5 C	"	28,574	----	9 43
	"	6 C	"	26,815	----	8 84
	"	1 B	"	26,127	----	8 62
	"	2 B	"	34,325	----	11 32
	"	3 B	"	44,479	----	14 67
	"	4 B	"	43,654	----	14 40
	"	5 B	"	28,584	----	9 43
	"	6 B	"	26,787	----	8 84
	Lafayette square	176	"	120,713	----	39 83
	Public school	180	11	15,035	----	4 96
	Recorder's court	219	11	6,732	----	2 22
	Washington artillery	219	29	2,528	----	83
	Engine-house No. 5, Girod St.	219	30	3,504	----	1 16
	" " "	219	31	2,643	----	87
	" No. 3, Perdido St.	221	14	2,666	----	88
	" La. & hose carriage	221	18	2,817	----	93
	Poydras market	260	Sq.	13,209	----	4 35
	"	271	"	11,742	----	3 87
	Fisk school	332	18	3,125	----	1 03
	"	332	19	3,125	----	1 03
	"	332	20	3,125	----	1 03
	"	332	21	3,125	----	1 03
	"	332	22	3,125	----	1 03
	City of New Orleans	261	12	1,378	----	45
	Engine-house No. 4, Common St.	339	11	3,306	----	1 09
	City hall	220	2, 3, 4	22,302	----	7 36
	City of New Orleans	470	6	2,975	----	98
	" "	470	7	2,975	----	98
	" "	470	8	2,975	----	98
	" "	470	9	2,975	----	98
	" "	470	10	2,975	----	98
	" "	470	11	2,975	----	98
	City Bank park	55 sq'rs, various.	------	7,369,500	----	2,431 94
	Work-house	345	Sq.	267,192	----	88 17
	House of refuge	36½	"			
	Protestant "	377	"			
	Cemetery	396	"			

347 20. Copies of certificates of recorders of mortgages of the parish of Orleans and Jefferson. See pages 293, 311, 323 of this transcript.

21. *Petition, Answer, Exceptions, Amendments to Petition, Judgment, Execution, and Marshal's Return in Suit No.* 10810.

Petition. Filed December 18th, 1884.

JAMES W. PEAKE
vs.
CITY OF NEW ORLEANS. } No. 10810.

To the honorable the circuit court of the United States for the 5th circuit and eastern district of Louisiana:

The petition of James Wallace Peake, who resides in New York, in the State of New York, with respect represents—

That petitioner is a citizen of the State of New York; that the city of New Orleans, a municipal corporation of the State of Louisiana, a citizen of the said State, is justly and truly indebted to petitioner in the full sum of six thousand dollars, with interest, at the rate of eight per centum per annum, from the 9th of July, 1875, until paid, for this, to wit, that petitioner is the holder and
348 owner ofthree certain warrants, made part hereof, made and issued by the said city of New Orleans, dated the 9th July, 1875, which are each in the figures and form as contained in the exhibit marked A annexed to and made part hereof, except as to the same being numbered 115, 116, and 122, respectively.

Petitioner avers that said warrants were legally and formally issued by J. G. Brown, the then administrator of public accounts of the said city of New Orleans, for the amounts of money therein set forth, and were on the same day presented to Edward Pilsbury, the then administrator of finance, New Orleans, and the said presentation was acknowledged by him in writing, and the same were and are legal contract obligations of the said city of New Orleans to pay the amounts thereof and the interest therein stipulated, and the same are now due and owing; and the said W. Van Orden, to whom the said warrants were made payable, endorsed the same, whereby the same became negotiable and transferable by delivery, and as such petitioner acquired the same.

Petitioner further avers that the said W. Van Orden, the payee of the said warrants, is a citizen of the State of New York, one of the States of America, and could sue and maintain an action on the said warrants in this honorable court for the recovery of the amounts thereof.

Petitioner further avers that by the act No. 30 of 1871, referred to in the said warrants, it was enacted that the three boards of draining commissioners for the draining districts of Orleans and Jefferson, established under the acts of March 18, 1858, of March 17, 1859,

and the several amendments thereof, and any and all other
349 person or persons or corporations who might have them in possession should transfer to the board of administrators of New Orleans all moneys, assessments, and claims for drainage in their hands or under their control, all titles to real estate, all books, plans, tableaus, judgments in favor of commissioners, the office furniture of said drainage commissioners, a true statement of the claims of said drainage commissioners against the city of New Orleans, to be adjudicated and settled out of the money collected by the city of New Orleans and pertaining to said draining districts, and that the said board of administrators of New Orleans should be and were thereby subrogated to all the rights, powers, and facilities possessed and enjoyed by the commissioners of the said several draining districts or of any other corporation charged with the duty of drainage and leveeing within the limits of the city of New Orleans and Carrollton; that the said board of administrators were directed to collect from the holders of property within the said draining districts the balance due on the assessments, as shown by the books of the first and second and third draining districts, under the acts of March 18, 1858, that of March 17, 1859, and the several supplementary and amendatory acts thereto, and which assessments were thereby confirmed and made exigible; and, further, to make assessments of two mills per superficial foot in those parts of the three drainage districts as existing under and created by the acts of March 18, 1858, and of March 17, 1859, and amendments thereto, and on such other lands as should be brought within the protection levees contemplated by the said act No. 30 of 1871, where no assessments had been made, and to execute and enforce the same as provided
350 for by the several acts of the Legislature creating and regulating said boards of draining commissioners; that all moneys received by the said board of administrators from the said commissioners of draining districts from the collection of claims for drainage then due, from the collection of drainage assessments, and from any source of revenue contemplated by the provisions of the section No. 9 of the said act should be placed to the credit of the Mississippi and Mexican Gulf Ship Canal Company, and held as a fund to be applied only to the drainage of New Orleans and Carrollton, in accordance with the provisions of the said act, and that all money so received should be held in trust for the payment of said Mississippi and Mexican Gulf Ship Canal Company, which said act No. 30 of 1871 is made part of this petition.

Petitioner avers that the said board of administrators of the city of New Orleans complied with the act No. 30 of 1871 and took possession of all the money, rights, privileges, properties, and powers conferred on them and became possessed of the means necessary to carry out the objects of said act and to provide for the payments of all warrants issued under the provisions of said act.

That subsequently, by act No. 16 of the General Assembly of Louisiana approved February 24, 1876, the city of New Orleans was authorized and empowered to assume control of and to transact and contract with the Mississippi and Mexican Gulf Ship Canal

Company and the transferee thereof, meaning thereby the said W. Van Orden, for the purchase and settlement of all and any rights, franchises, and privileges created, authorized, or arising in
351 favor of said company or said transferee under and by virtue of the said act No. 30 of the acts of 1871; also for the purchase and transfer to the city of New Orleans of all tools, implements, machines, boats, and apparatus belonging to said company or its transferee, and by it or him used for or pertaining to drainage work authorized to be done by said act No. 30 of 1871; that if the said purchase and settlement should be made all amounts to be paid should be paid in drainage warrants by the city of New Orleans, to be issued in the same form and manner as those theretofore issued to the transferee of said company under said act No. 30 of 1871 for work done, and be made payable out of drainage assessments; that so soon as the said sale and purchase should be completed the city of New Orleans, through its officers, should have exclusive control of all the rights, powers, and franchises granted by act No. 30 of 1871 relative to drainage and other public works to the Mississippi and Mexican Gulf Ship Canal Company or its transferee, and the said city of New Orleans should alone have the power to do all canalling, dredging, ditching or drainage work required to be paid for by assessment upon property or from the city of New Orleans, which act is made part of this petition; that the city of New Orleans did contract under the authority of said act and became the owner and possessor of all the rights of property and franchises of the said company and of its transferee, and was charged with all the responsibilities of the said drainage commissions, the administrators of the city of New Orleans, and of the city of New Orleans, and was to carry out the same and to pay all the obligations thereof.

352. That by act No. 20, approved June 23, 1882, of the Legislature of the State of Louisiana it was in section No. 42 thereof enacted that all laws providing for the drainage of the city of New Orleans or portions thereof and a collection of the drainage-tax assessment were repealed.

That on the 5th April, 1881, the city council of New Orleans passed an ordinance requesting the mayor to issue a proclamation, and on the 8th of April, 1881, the mayor did issue his proclamation advising all persons not to pay the drainage tax. Copy of said ordinance and of said proclamation are annexed and made part hereof as Exhibit "B."

That the said city of New Orleans has taken possession of all the taxes assessed and collected and of all the property, rights, money, privileges, and franchises of the various draining authorities and absorbed and applied them to other purposes than was intended or warranted by law, and now repudiates all the indebtedness, responsibilities, and liabilities of the same and attempts to shield herself under illegal and unconstitutional acts of the Legislature.

Wherefore petitioner prays that the city of New Orleans, through the mayor thereof, be citedto answer this petition, and that the said city be condemned to pay to petitioner the sum of six thousand dol-

lars, with interest at the rate of eight per centum per annum from the 9th of July, 1875, until paid, and for general relief.

(Signed) ROBERT MOTT,
Att'y of Petitioner.

353 *Answer. Filed January* 19, 1885.

In the Circuit Court of the United States.

JAMES W. PEAKE
vs.
CITY OF NEW ORLEANS. } No. 10810.

And for answer now comes The City of New Orleans, defendant herein, and denies all and singular the allegations in plaintiff's petition, except so far as hereinafter admitted; and defendant further says—

That in the year 1858 the Legislature of Louisiana, by act No. 165 of that year, entitled "An act to provide for the leveeing, draining, and reclaiming of swamp lands in certain portions of the parishes of Orleans and Jefferson," enacted that certain portions of said parishes should constitute three drainage districts, designated, respectively, as the first, second, and third drainage districts, and that for each of said districts there should be a board of commissioners, which was constituted, for the purposes of the act, a body corporate, and that whenever either of said boards was prepared to drain its respective district it should cause a plan thereof to be made accurately designating the limits thereof, the subdivision of property therein contained, and the names of the proprietors, and deposit said plan in the office of the recorder of mortgages, and give notice thereof by publication, and after due publication apply by
354 petition to the proper district court, which court, upon due proof of publication, should decree that each portion of the property situated within said limits is subject to a first-mortgage lien and privilege in favor of such board of commissioners for such amount as might be assessed upon said property; that the said board of commissioners were empowered to levy uniform assessments upon each superficial square foot of land situated within the district, and that on the non-payment of the amount of the assessment judgment therefor should be recoverable before any court of competent jurisdiction, and the land so assessed should be sold according to law to satisfy said judgment, and the sum of $81,000, to be equally divided among said three draining districts, was appropriated out of the swamp-land fund of the first swamp-land district of the State for the purpose of said act.

That in 1859 the Legislature of Louisiana passed an act—No. 191 of that year—supplementary to said act No. 165 of 1858, whereby the said boards of commissioners were authorized to issue bonds, having not more than thirty years to run and bearing interest not exceeding eight per cent. per annum, to an amount not exceeding $350,000 for each drainage district, and, upon issuing such bonds,

"to fix and determine the amount of assessment to be levied upon the superficial square foot" of land within the respective districts, and to apportion the amount to be paid yearly by the owners of said lands in order to pay the annual interest on said bonds and the bonds at maturity, provided that the amount of the assessment demandable yearly should not exceed one-tenth of such assessment.

355 That in the year 1861 the Legislature passed an act, No. 57 of that year, whereby it was enacted "that the amount of assessment which the boards of commissioners of the several drainage districts are authorized to fix and apportion, to be paid yearly by the owner or owners of the lands within said districts, in order to pay the annual interest on the bonds issued or to be issued by said boards of commissioners by virtue of the second section of an act supplementary to an act to provide for leveeing, draining, and reclaiming swamp lands in certain portions of the parishes of Orleans and Jefferson, approved March 18th, 1858, shall be collected and sued for — the following mode of proceedings, to wit: As soon as any assessment has been made and notice thereof shall have been given a copy thereof shall be filed in the third district court of the parish of Orleans for the assessments made on the property within the limits of the parish of Orleans and in the third judicial district court, sitting at Carrollton, for assessments made on property within the limits of the parish of Jefferson, on which tableau of assessment thus to be filed the property assessed shall be set forth, together with the amounts assessed and the names of the owners thereof; * * * that a petition shall be filed with said assessment-rolls praying for an order that all persons whom it may concern do show cause within thirty days from the first publication of said order why said assessment-roll should not be approved and homologated, * * * and after said publication the said courts shall, on motion of the counsel of said boards of commissioners, approve and homologate said assessment-rolls, which shall be a judgment against the prop-

356 erty assessed and the owners thereof, on which execution may issue as on judgments rendered in the ordinary mode of procedure, and the court shall at the same time and in the same judgment order the delinquent parties to pay ten per cent. in addition to the amount assessed to pay counsel fees and costs.

Respondent says that it is true that an additional drainage district was established and assessments upon the property therein made by ordinances of the board of administrators of the city upon assumption of authority so to do under and by virtue of act No. 30 of 1871, but this respondent says that the said ordinances and the said act of the Legislature, in so far as construed as to confer such authority and the further authority, as claimed, to proceed for the enforcement of said drainage assessments by the summary mode of procedure described in act No. 57 of 1861, have been subsequently repeatedly and uniformly held by the courts of the State to be void and inoperative; and respondent further says that in the suit entitled Mississippi and Mexican Ship Canal Company *vs.* City of New Orleans, 35 An., p. 68, it was expressly held by the supreme court

of the State that the city of New Orleans was not liable to any extent or for any sum whatever for said assessments and judgment therefor, claimed to have been recovered therefor, in proceedings had under and in conformity to said act No. 57 of 1861 and act No. 30 of 1871; and this respondent says that by virtue and effect of said final judgment of the supreme court the debt is barred and estopped from claiming any relief in this proceeding against this respondent by reason of said assessments and judgments.

357 Respondent says that it is true that by said act No. 30 of 1871 the said boards of commissioners created by said prior acts were superseded, and that the Mississippi and Mexican Gulf Ship Canal Company were empowered to carry on a system of drainage, and that the board of administrators of the city of New Orleans were subrogated and succeeded to the rights and duties of said boards of commissioners to the extent stated in said act; and respondent says that by said act it was provided that all work done by said Mississippi and Mexican Gulf Ship Canal Company should be paid for out of a drainage fund to be derived from said assessments, the payments to be made at the rate fixed by the acts, either in cash or, where there was no cash at the time to the credit of said fund, in warrants upon said fund, to be drawn by the administrator of accounts on the administrator of finance, and that said drainage fund was declared by said act to be a trust fund for the payment of said warrants.

Respondent admits that under said act the said company proceeded with said drainage work and received drainage warrants therefor, and that for the payment of said warrants the said drainage fund and the said assessments and judgments were pledged; that under said acts of 1858, 1859, and 1861 plans were filed, proceedings had, and judgments entered, but, this respondent says, all of said proceedings and judgments, in so far as they were had and obtained in conformity to said act No. 57 of 1861, have subsequently been held by the State courts, repeatedly and whenever called in question or sought to be maintained or enforced, to be void and inoperative.

358 This respondent admits that the several drainage assessments made by said boards of commissioners and board of administrators of the city of New Orleans and the divers proceedings and judgments for the enforcement thereof were made and had; but this respondent says that subsequent thereto and in proceedings had at the suit as well of Warner Van Orden and others as of respondent, for the maintenance and enforcement thereof in the State courts of competent jurisdiction, said proceedings and judgments have been repeatedly and uniformly held to be void and inoperative.

Respondent says that in 1876 the Legislature passed an act, No. 16 of that year, entitled "An act to authorize the city of New Orleans to assume exclusive control of all drainage work in the drainage districts; to authorize the purchase of certain rights and property of the Mississippi and Mexican Gulf Ship Canal Company and its transferee, and to provide for the manner of making said purchase and for paying therefor in drainage warrants," by which act

the common council of the city of New Orleans was authorized and empowered to contract with the said company and the transferee thereof for such purchase, and by the third section of which act it was expressly and specially enacted and declared that all amounts to be paid as the price and consideration of said purchase "shall be paid in drainage warrants by the city of New Orleans, which said warrants shall be issued in the same form and manner as those heretofore issued to the transferee of said company under act No. 30 of acts of 1871 for work done," and that such warrants "shall be made payable out of the drainage assessments;" and by the fourth
359 section of said act "that whenever the sale and purchase contemplated by this act shall be completed and the drainage warrants issued in payment of the price agreed on and fixed the city of New Orleans, through its officers, shall have exclusive control of all the rights, powers, and franchises granted by act No. 30 of acts of 1871 relative to drainage or other public works to the Mississippi and Mexican Gulf Ship Canal Company or its transferee; the city of New Orleans shall alone have the power, either through its own officers or employees or by contract to the lowest bidder, to do all canalling, dredging, ditching, or drainage work requiring to be paid for by assessment upon property or from the city treasury."

And this respondent says that it is true that, in accordance with said act No. 16 of 1876, the purchase contemplated and provided by said act was made by the city from the company and the transferee of said company on the 7th of June, 1876, as per notarial act of purchase and settlement of that date, and that by said act it agreed and bound itself to pay three hundred and twenty thousand dollars in drainage warrants, and that said warrants were accordingly delivered to the assignee of said company.

Respondent says that it is true that since said purchase the city has had possession and enjoyment of the property so purchased, except as to a portion thereof, from which it has been evicted by creditors of the said Mississippi and Mexican Gulf Ship Canal Company, asserting rights thereupon paramount to the right acquired thereto by the city by said purchase from the said company and the transferee of said company, Warner Van Norden; but respondent says that it is not true that the city has wholly disregarded
360 its obligation to pay for said property, but that, on the contrary, the truth is that it made payment therefor in full, in the manner stipulated for at the time of said purchase, as stated in the same paragraph of the bill, in drainage warrants then delivered to the transferee of said company to the amount stated in the bill, and that this form of payment was the sole and only form of payment for which the municipal corporation of the city of New Orleans was competent to obligate or bind itself under the express terms of said act No. 16 of 1876. This respondent says that the law under which said drainage warrants were executed and delivered as the price and consideration of said purchase, as well as the laws under which said drainage warrants were issued for work done under the terms of said acts, contemplated and intended that the drainage assessments to meet and pay said warrants should be en-

forced and collected by said city, and that all amounts collected therefrom should constitute a trust fund, to be held and applied to the payment and satisfaction of such warrants, the city not being entitled to apply any portion of such fund to any other purpose except in the event of a surplus thereof remaining after the payment of all of said warrants; and respondent says that large sums have heretofore been collected by it from such assessments and passed to the credit of said drainage trust fund, and that all amounts so collected have been applied to the payment of drainage work and drainage warrants issued under the terms of said act, and, as to the residue of said assessments remaining uncollected, that it has used
361 all due diligence to collect the same by means of the judicial proceedings stated in the bill and otherwise without avail.

This respondent says that the said acts under which said warrants were issued never contemplated or intended that they should become payable, in any event or contingency, otherwise than out of said drainage fund, and that said warrants were executed and accepted with full knowledge by all parties that they were not and could not in any event become chargeable to the city of New Orleans or payable by it otherwise than out of said drainage fund; that the corporate authorities of said city were and are wholly without power or competency to bind the municipality to pay or to provide means to pay said drainage warrants otherwise than out of said drainage fund, and that it has at no time been competent *to* the corporate authorities of said city, under said acts or under any law applicable to the claims evidenced by said warrant, by any act or failure to act on their part, to incur any corporate liability in respect of said warrants other than to the extent above stated, or to change the character of the liability or obligation evidenced by said warrants from a charge upon a particular and specific fund, to wit, the drainage fund aforesaid, into a general liability or obligation of the municipality, to be met by general municipal taxation or otherwise than out of the particular fund to be derived from said drainage assessment.

And respondent says that the said drainage assessments were and are amply sufficient in amount, if collected, to meet and pay all of said drainage assessments outstanding; that without fault of this respondent it has to a large extent been unable to enforce and
362 collect said assessments. Respondent admits that the holders of said drainage warrants are entitled to the benefit of all of said assessments and of the proceedings and judgments stated in the bill as far as they can be made effective and available as securities for the payment of said warrants.

Respondent denies that said drainage warrants, though it is admitted that they are drawn payable to order, are negotiable securities, and says that the laws hereinabove set forth under which said warrants were executed do not authorize or empower the execution or issuance by the city of New Orleans of securities negotiable in form; that the said warrants are not in the form of a bond or note of the city of New Orleans binding the city absolutely for the payment of a certain sum of money at a certain time, but are merely

orders drawn by one officer of the city, the administrator of accounts, on another officer of the city, the administrator of finance, for the payment of the sums of money specified in such orders out of a particular fund, to wit, the drainage fund, and not otherwise; and this respondent says that the holders or owners of such warrants other than payees named in the warrants are not entitled to claim the right to be dealt with as holders of negotiable securities, but can only claim as ordinary transferees or subrogees of the original holders.

Respondent says it has heretofore discharged this obligation to the best of his ability by making the assessments and taking the judicial proceedings stated in the bill and other proceedings, but that these proceedings have, in the main, been rendered abortive and ineffective by rulings and judgments of State courts of competent jurisdiction for which it is in nowise responsible or
363 accountable; and, further, this respondent says again that had there been any unlawful or improper action or failure to act by the city authorities in the premises, which is not admitted, but denied, by no action or failure to act of the corporate authorities in the manner charged in the bill or otherwise could any other corporate liability or obligation in respect of said warrants be incurred than that specified in the acts under and by virtue of which they were issued, or the municipality be rendered liable for the payment of said warrants out of any other fund than the said drainage fund created by said act, and that at no time has it been competent to the corporate authorities, by any action or refusal or failure to act on their part, to change or enlarge the character of the indebtedness evidenced by said warrants from a charge on a particular fund, to wit, the drainage fund as aforesaid, to a general corporate indebtedness or liability chargeable against the corporate revenues generally to be provided for by general corporate taxation, levied without reference to ownership of lands assessed for drainage under said acts authorizing the issuance of said warrants.

Wherefore your respondent prays to be hence dismissed with costs, and for all gen'l and equitable relief.

(Signed) W. H. ROGERS, *City Att'y.*

Supplemental and Amended Petition. Filed January 27, 1887.

364 In the Circuit Court of the United States for the 5th Circuit & Eastern District of Louisiana.

J. W. PEAKE
vs.
CITY OF NEW ORLEANS. } No. 10810.

To the judges of said court:

The supplemental and amended petition of James W. Peake, filed by permission of court, respectfully represents—

That he adds to his petition, on the 5th page thereof, after the

words "obligations thereof" and before the words "that by act No. 20, approved June 23, 1882," the following averments:

Petitioner further shows that subsequent to the issue of said warrants & to the assumption of said drainage work as aforesaid the Legislature of the State of Louisiana passed certain laws to exclude the lands embraced within the territory to be drained under the acts of 1858, 1859, and the various acts supplementary and amendatory thereto from all liability for said assessments, to annul the judgments rendered therefor and in full force and effect when said warrants were issued, cancelled all liens, privileges, and mortgages securing said assessments (and likewise in full force and effect when said warrants were issued); and, finally, there is in the present charter of the city of New Orleans an enactment to repeal all of said drainage laws and forbidding the collection of said drainage assessments, as will more fully appear by reference to said acts of the Legislature of Louisiana, to wit, No. 48 of the session of 1877, No. 67 of the session of 1877, and section 42 of No. 20 of the session of 1882, which are made part hereof.

365 And your petitioner further shows that the aforesaid legislative acts, to wit, those of 1858, 1859, and the said various acts supplementary and amendatory thereto, and said act No. 30 of 1871 and 1876, under and in pursuance of which your petitioners' aforesaid warrants were issued pledging said drainage assessments and judgments based thereon for the payment of said warrants, as well as the fulfillment of the obligations of said city of New Orleans under said act last mentioned, were in legal effect contracts which the said acts No. 48 of 1877, No. 67 of 1877, and No. 20, section 42, of 1882, propose to impair and nullify and destroy, and the said acts are null, void, and of no effect for plain and direct repugnancy to the Constitution of the United States, and especially to article 1, section 10, and the 15th amendment to said Constitution, prohibiting all legislation impairing the obligations of contracts and protecting the rights of property, by which petitioner's rights are secured.

Petitioner further shows that the city of New Orleans is an owner of lands within the drainage districts created by the aforesaid acts of the Legislature and a judgment debtor for assessments levied on said lands to an amount exceeding $700,000, exclusive of interest, all of which should be paid and applied as far as necessary to the payment of the warrants of the petitioner.

That by the purchase of the said city under the terms of the said act No. 30 of 1871 and Febr'y 24, 1876, the said city assumed all the obligations of the aforesaid drainage warrants, and warranted and guaranteed the amount and validity thereof, as well as of the collections of the assessments and taxes levied or provided

366 to be levied for the payment of the same, and became liable for the amounts of the said warrants.

(Signed) ROBERT MOTT & R. DE GRAY,
Att'ys for Petitioner.

Service accepted and citation waived.
(Signed) W. H. ROGERS, *City Att'y.*

Amended Petition Allowed in Open Court. Filed 9 May, 1887.

United States Circuit Court, Eastern District of Louisiana.

JAMES WALLACE PEAKE
vs.
THE CITY OF NEW ORLEANS. } No. 10810.

And now comes plaintiff and, leave being granted in open court, *and* amends the prayer of the petition herein so as to read as follows:

Wherefore petitioner prays for the citation of, and after due proceedings had judgment against, the said city of New Orleans as assignee, transferee, and subrogee under act No. 30 of the year
367 1871, of the Legislature of the State of Louisiana, of all the rights, powers, and facilities possessed by the draining commissioners of the several drainage districts referred to in said act and created under act No. 165 of March 18, 1858, No. 191 of March 17, 1859, of the Legislature of the State of Louisiana, and the various acts of said Legislature supplementary and amendatory thereto or in anywise pertaining to the drainage of Orleans and Jefferson, and charged with all the liabilities and responsibilities imposed under said various acts for the sum of six thousand dollars, with interest at eight per cent. per annum from July 9, 1875, until paid, and all costs, payable out of the drainage taxes, assessments, and judgments created, existing, and rendered under and in pursuance of said acts No. 165 of 1858, 191 of 1859, of the Legislature of the State of Louisiana and acts 57 of 1861 and No. 30 of 1871 of said Legislature of said State.

Petitioner further prays for all general relief.

(Signed) ROBERT MOTT & R. DE GRAY,
Att'ys for Plaintiff.

Peremptory Exception. Filed 9 May, 1887.

And now comes The City of New Orleans and to plaintiff's petition pleads the peremptory exception that the same discloses no cause of action.

(Signed) W. H. ROGERS, *City Att'y.*

368 *Judgment.*

Extract from the Judgment Book.

Circuit Court of the United States, Fifth Circuit and Eastern District of Louisiana. April Term, 1887.

NEW ORLEANS, MONDAY, *May* 9, 1887.

Court met pursuant to adjournment.

Present: Hon. Edward C. Billings, district judge.

JAMES WALLACE PEAKE
vs.
THE CITY OF NEW ORLEANS. } No. 10810.

By reason of the verdict of the jury herein and in accordance therewith—

It is ordered, adjudged, and decreed that the plaintiff, James Wallace Peake, do have and recover of and from the defendant, The City of New Orleans, as provided by act No. 30 of 1871, as successor of the drainage commissioners established under acts 165 of 1858 and 191 of 1859 and the various acts of the Legislature of Louisiana supplementary thereto and amendatory thereof, the sum of six thousand dollars ($6,000.00), with 8% interest thereon from July 9, 1875, and costs of suit, both the sum recovered and costs of suit to be paid out of said drainage fund.

Judgment rendered May 9, 1887.

Judgment signed May 20, 1887.

(Signed) EDWARD C. BILLINGS, *Judge.*

369 UNITED STATES OF AMERICA:

Circuit Court of the United States for the Fifth Circuit, Holding Sessions in and for the Eastern District of Louisiana.

The President of the United States to the marshal of the eastern district of Louisiana or his lawful deputy, Greeting:

You are hereby commanded to demand from the defendant, The City of New Orleans, as provided by act No. 30 of 1871, as successor of the drainage commissioners established under acts 165 of 1858 and 191 of 1859 and the various acts of the Legislature of Louisiania supplementary thereto and amendatory thereof, the sum of six thousand dollars ($6,000.00), with 8% interest thereon from July 9, 1875, and costs of suit, both the sum recovered and costs of suit to be paid out of said drainage fund—clerk's costs, $68.10; attorneys' fees, 20.00; marshal's costs, cash—which James Wallace Peake lately recovered by judgment of the circuit court of the United States for the fifth circuit and eastern district of Louisiana, and if the same be not paid on demand, that then you cause the same to be made out of the

personal estate of the said city of New Orleans, as successor of the drainage commissioners as aforesaid, in your district, if sufficient personal estate can be found therein, but if sufficient personal estate cannot be found in your district, that then you cause the same to be made out of the real estate of the said city of New Orleans, as successor of the said drainage commissioners as aforesaid, in your district, and that you have those moneys before our said court, to render to the said James Wallace Peake for the judgment aforesaid, on the 70th day from the date hereof, together with this writ.

[SEAL.] Witness the Honorable Morrison R. Waite, Chief Justice of the Supreme Court of the United States, this 26th day of July, A. D. 1887, and 112 year of the Independence of the United States.

(Signed) E. R. HUNT, *Clerk*,
By T. Mc. HYMAN, *D'y Clerk.*

370 [Endorsed:] J. B. 14, f. 284. No. 10810. U. S. circuit court, eastern district of Louisiana. James Wallace Peake *vs.* City of New Orleans. *Fi. fa.*

Marshal's Return.

Rec'd July 26, 1887, and on the 27th day of July, 1887, I made demand upon Isaac W. Patton, city treasurer, to satisfy this writ, and on the 2d day of August, 1887, like demand was made by me upon Hon. J. V. Guillotte, mayor of the City of New Orleans, defendant herein, to each of which demands answer was made that they had no money or property out of which to satisfy this writ either in whole or in part; and, after due demand upon plaintiff's attorney to point out property belonging to defendant and subject to seizure, he failing to do so, and not being able to find any property out of which to satisfy this writ, and being instructed to make this return by plaintiff's attorney, I so return this writ not satisfied.

Returned Aug. 8th, 1887.

(Signed) R. B. PLEASANTS,
U. S. Marshal,
By W. B. LOGAN, *D'y M'l.*

371 *Amounts Collected by the City of New Orleans under Act No. 30 of 1871 and Paid for Purposes not Contemplated by said Act.*

1871.				
Nov.	20.	1st drainage dist.—L. Laroque, sal. as clerk, ch'f, $163.28, with 46 cts.		163 66
Dec.	7.	Gubernator & Terry, in payment C. A. # 1 & 57 days' interest		2,103 51
	7.	Gubernator & Terry, in payment C. A. # 2 & 57 days' interest		182 05
	7.	Wingfield & Bridge, in payment C. A. # 3 & 54 days' interest		215 30
1872.				
Jan.	26.	John Clark, boilers, cert. B 4	1,750 00	
		Interest	35 00	
				1,785 00
May	31.	Jno. Clark	1,760 00	
		Interest	79 55	
				1,839 55

July	10.	L. F. Barrett	66 71	
		Interest, cert. #8 A	2 79	
				69 50
Aug.	17.	Chas. G. De Lisle	850 00	
		Interest, certificate A 1	51 85	
				901 85
"	28.	Fellows & Mills	93 74	
		Interest, cert. 9 B	1 91	
				95 65
"	29.	Chas. G. Delisle	150 00	
		Interest, cert. #1 B	9 54	
				159 54
Sep.	28.	Jno. Clark	1,400 00	
		Interest, cert. 4 B B B	96 04	
				1,496 04
1873.				
May	21.	Jno. Clark	1,812 07	
		Interest, cert'e #4 A A A	210 20	
				2,022 27
July	31.	Field & Bell	163 39	
		Interest, cert. B 5	16 71	
				183 00
	9.	J. D. Hill, on ac. old d'g W., 352	1,500 00	
	21.	" " " 352	1,500 00	
				3,000 00
Aug.	3.	" bal.	500 00	
		½ of 1,202.19	601 09	
		Interest in full	60 00	
				1,161 09
1874.				
Jan'y	9.	Field & Bell, certificate No. 5 A	636 31	
		Interest on above	97 02	
				733 63
	9.	Bridge & Son, cert. No. 7	807 96	
		Interest on same	105 07	
				933 03
	9.	Geddes, Shakespeare & Co., cer. No. 6	1,477 93	
		Interest on above	177 06	
				1,654 99
				18,699 66

372

22. *Ordinance No.* 1574.

MAYORALTY OF NEW ORLEANS,
CITY HALL, *June* 12, 1872.

(No. 1574, administration series.)

Resolved, That the administrator of improvements be, and he is hereby, directed to advertise for proposals for wooden revetments along the lake shore from Bayou St. John to the Upper Line protection levee in accordance with specification on file in the office of the city surveyor.

Adopted by the council of the city of New Orleans June 11, 1872.

Yeas—Cockram, Shaw, Delassize, Remick, Lewis, Walton, Bonzano.

BENJ. F. FLANDERS, *Mayor.*

A true copy.

H. CONQUEST CLARKE, *Secretary.*

23. *Ordinance No.* 1615, *A. S.*

MAYORALTY OF NEW ORLEANS,
CITY HALL, *July* 31, 1872.

No. 1615, administration series.

373 Resolved, That the proposal of James J. O'Hara for wooden revetments on the lake shore from Bayou St. John to the upper protection levee at $11.75 per lineal foot in new consolidated bonds, drainage series, at par, and offering security satisfactory to the mayor and administrator of improvements in the sum of $25,000, be, and the same is hereby, accepted, and the mayor authorized to enter into contract on behalf of the city, per notarial act before the city notary, for the faithful performance of said contract.

Adopted by the council of the city of New Orleans July 2, 1872, the veto of the mayor to the contrary notwithstanding.

Yeas—Cockram, Shaw, Delassize, Remick, Walton, Bonzano, 6.

Nay—Lewis, 1.

A true copy.

H. CONQUEST CLARKE, *Secretary.*

24. *Copy of Contract Between J. J. O'Hara and City of New Orleans.*

STATE OF LOUISIANA, }
Parish of Orleans, City of New Orleans. }

Be it known that on this fifteenth day of July, in the year of our Lord one thousand eight hundred and seventy-two, and of the ninety-seventh of the Independence of the United States of
374 America, before me, Andrew Hero, Jr., a notary public in and for the parish of Orleans and city of New Orleans and official notary for the said city of New Orleans, duly commissioned and qualified, and in presence of the witnesses hereinafter named and undersigned, personally came and appeared the Honorable Benjamin F. Flanders, mayor of the city of New Orleans, and herein acting in such capacity of mayor under and by virtue of resolution number 1615, administration series, passed by the honorable the council of the city of New Orleans at its session of the second day of July inst., and also James J. O'Hara, of this city.

And the said Mayor Flanders declared in his said capacity of mayor and for and on behalf of the city of New Orleans that by virtue of authority in him vested by said resolution number 1615, administration series, a certified copy of which is hereto annexed for reference and in confirmation of the sale and adjudication made by the administrator of improvements and on the seventh day of June, eighteen hundred and seventy-two, as will appear by reference to the *procès verbal* of said administrator annexed in the margin hereof for reference, the said mayor does by these presents grant, bargain, sell, and confirm unto the said James J. O'Hara, his heirs and assigns, the contract for constructing a "wooden revetment

along the lake shore from Bayou St. John westward to the Upper Line protection levee, being a distance of about thirteen thousand lineal feet, agreeably to specifications on file in the city surveyor's office.

The said O'Hara hereby binds himself and his heirs and assigns to perform and execute said contract well and faithfully and
375 strictly in accordance with said specifications, to observe and comply with all of the conditions and stipulations therein contained, and at all times to abide by himself and hold his heirs and assigns amenable and subject to the terms, penalties, and conditions of said specifications and of this contract; which said specifications are in the words and figures following, to wit:

Specifications for a Wooden Revetment to be Constructed along the Lake Shore from Bayou St. John Westward to Upper Line Protection Levee; Distance, about 13,000 *Lineal Feet.*

One row of piles, 10 x 10 hewed timbers, shall be driven, at 10 feet apart, not less than 7 feet in the ground and cut 3 feet above ground.

Another row of piles driven at 14 feet 9 inches from face to face of the first row and 10 feet at least in the ground, cut 10 feet above the surface *and* 10 *feet above the surface* and 10 feet apart exactly in rear of each pile of the first row, 10 x 10 hewed timber.

A cross-beam 12 x 12, 20 feet long, notched at the piles and the piles notched to make a close fit, shall be placed at one foot above the ground and bolted to both piles, rear and front, with ¾-inch iron bolts with square heads and round washers under head and nut.

A longitudinal piece of 10 x 10 hewed timber, beveled on top to suit the angle of another longitudinal piece of 10 x 10 hewed timber, also bevelled on top, both to be fastened to the piling—
376 the one below notched and faced to fit the cross-beam; the one above notched and faced to fit the head of the long pile; both bolted with ¾-inch iron bolts with square heads and nuts with round wrought-iron washers.

A longitudinal piece of 6 x 8 hewed or sawed timber notched and faced to a brace 6 x 8 hewed timber 6½ feet long, to be bolted with ⅝ iron bolt, with square head and nut and round washer, the brace to be notched and face to its corresponding beam and nailed with at least 3 rag bolts ½ in. square and not less than one foot long.

The frame thus formed to be covered with planking 3 x 12 and 30 feet long, close jointed and a second row covering the joints, said planking all to be fastened below by entering at least 2 feet in the ground and fastened with 7-inch spikes in the lower longitudinal piece, and above by being spiked with same spikes to each longitudinal piece; the top to be furnished with a longitudinal over-all piece, 4 x 12, spiked to the top and of the planking.

All the material to be of the best yellow pine and the whole to be constructed in a workmanlike manner and in conformity with the plan and lines and grades to be given by the city surveyor, and subject to the approval of the administrator of improvements and city surveyor.

The work to be commenced within the five days following the approval of the adjudication by the city council, and progress at the rate of not less than 50 feet completed per day, if required by the administrator of improvements, and in case it should be found necessary to leave the planking off until the earth-work is properly filled around the timbers and graded the same shall
377 be placed on after the filling is done without extra compensation; the whole to be completed in twelve months from date of contract.

Security to an amount of $25,000 will be required from the contractor to guarantee the faithful performance of the contract.

Payments to be made as the work progresses upon the certificates of the city surveyor, approved by the administrator of improvements, in the new consolidated bonds, drainage series, at par.

It is well understood that in case of failure by the contractor to begin or finish the work or any part of the same within the term fixed, or in case the city council be dissatisfied with the manner in which the work is being executed, the city council shall have the right to annul the contract without putting the contractor in default, as required by article 1905 of the Civil Code or any other law or laws, and without applying to a court of justice to annul the same, and without indemnity; and it is also well understood that in case the contractor shall at any time abandon the work or not finish and complete the same in conformity with his contract the said contractor shall forfeit all claims he may have for any part of the work done by him up to the date of his abandonment, and that the city shall be thereby discharged and released from any and all liabilities therefor; and it is also well understood that in case the contract be resold the contractor and his securities shall be held and bound *in solido* to pay unto the city all loss or difference between the price at which the contractor originally contracted to perform the work and the price at which it
378 may be adjudicated at a resale or readjudication, the contractor agreeing and understanding that this condition is in all things binding, and that such contractor or his heirs, legal representatives, or assigns shall at no time, in any court of justice, by plea, answer, exception, motion, objection of any sort, kind, or description, or under any circumstances set up, urge, or in way allege, plead, or claim that this condition in this specification is not in all respects legal, binding, and obligatory on such contractor, his legal representatives or assigns, and that all certificates which may be issued based on this contract shall at all times and in the hands of all holders be subject to this condition in all things.

It is also well understood that it is not in the power of the city council or any officer or department of the government of the city of New Orleans to release the contractor from a strict compliance with this contract in all of its conditions and in all respects.

And it is understood, agreed, and provided that the contractor, in case the appropriation in the annual budget or estimate of the expenses for the year in which the certificate may be issued and from which said certificate is in law required to be paid shall be ex-

hausted when said certificate is delivered—the said contractor or contractors shall not apply to the administrator of public accounts for a warrant therefor until a fund for the payment thereof shall be provided in the budget and estimate for the following year.

And in consideration of the premises and upon the faithful compliance of said O'Hara with all the terms and conditions of
379 said specifications and this contract said Mayor Flanders hereby promises for and binds and obligates the city of New Orleans to pay or cause to be paid unto the said James J. O'Hara, his heirs and assigns, the sum of eleven dollars and seventy-five cents for each and every lineal foot of said revetment, complete, that may be constructed by virtue hereof, with the distinct understanding that said payment of eleven dollars and seventy-five cents per lineal foot shall be made and accepted in the new consolidated bonds of drainage series at par, in lieu of cash, and which said bonds said O'Hara promises and binds himself to accept and receive at par in payment of the work herein provided for.

And now personally came and intervened herein Lorenzo Carbo, Robert Dean, William Culliman, and William W. Divine, who, having read what is above written, declared that they hereby guarantee to the city of New Orleans the faithful performance of the foregoing contract by the said O'Hara, and bind themselves in favor of the city of New Orleans in the sum of twenty-five thousand dollars, lawful money of the United States, payable on demand to the mayor of New Orleans and to his successors in office.

Now, the condition of the above-written bond or obligation is such that if the said James J. O'Hara shall well, truly, and faithfully perform the execution — the present contract in accordance with the above specification, then the above-written bond or obligation to be null and void, but otherwise to be and remain in full force and virtue. The said Carbo, Dean, Culliman, and Divine hereby waive the benefit of division and discussion granted by law to sureties, with the distinct understanding that said Dean and
380 Carbo are each only bound for five thousand dollars, and said Culliman and Divine are each bound hereunder for the sum of seven thousand five hundred dollars.

Thus done and passed, in my office, at New Orleans, the day, month, and year first above written, in the presence of George Cenas and Paul A. Conand, competent witnesses, domiciliated in this city, who have hereunto signed their names with the said parties and me, the notary, after due reading of the foregoing. Said Dean, not knowing how to write or sign his name, as he hereby declared, has hereto made his usual mark.

(Original signed)

GEORGE CENAS.
P. A. CONAND.

BENJ. F. FLANDERS, *Mayor.*
JAS. J. O'HARA.
W. WAT DIVINE.
WM. CULLIMAN.
his
ROB'T x DEAN.
mark.
L. CARBO.
ANDREW HERO, JR., *Not. Pub.*

A true copy of the original on file in my office.
New Orleans, April 22nd, A. D. 1887.
[L. S.] (Signed) ANDREW HERO, JR., *Not. Pub.*

Approved as to form.
(Signed) GEO. S. LACEY,
City Att'y.

381 25. *Copy of Compromise Between said O'Hara and the City of N. O.*

STATE OF LOUISIANA, }
Parish and City of New Orleans. }

Be it known that on this seventeenth day of January, in the year of our Lord one thousand eight hundred and seventy-four, and of the Independence of the United States of America the ninety-eighth, before me, Andrew Hero, Jr., a notary public in and for the parish and city of New Orleans, State of Louisiana, duly commissioned and qualified, and in the presence of the witnesses hereinafter named and undersigned, personally came and appeared the several persons whose names are hereto subscribed, residents of this city, who severally declared that whereas, by an act passed before the undersigned notary on the fifteenth day of July, eighteen hundred and seventy-two, the city of New Orleans granted and confirmed unto James J. O'Hara, of this city, and his heirs and assigns a contract for constructing a wooden revetment along the lake shore from Bayou St. John westward to the Upper Line protection levee, being a distance of about thirteen thousand lineal feet, in accordance with specifications on file in the city surveyor's office, and contracted to pay therefor, in new consolidated gold bonds, drainage series, the sum of eleven dollars and seventy-five cents for each and every lineal foot of said revetment made complete; all relative to which will more fully appear by reference to said act, on file and of record in my office;

382 And whereas by an act passed before the undersigned notary on the sixteenth day of September, eighteen hundred and seventy-two, the said James J. O'Hara transferred and assigned unto William Wat Divine, also of this city, the aforesaid contract and all the advantages, issues, and profits thereof, and said Divine obligated himself to do and perform all of said work then remaining unfinished;

And whereas by an act passed before the undersigned notary on the third day of March, eighteen hundred and seventy-three, the said William Wat Divine transferred or abandoned unto said James J. O'Hara so much of said contract as related to that portion of the work extending from the lake end of the new canal to the Upper Line protection levee, with all the advantages, emoluments, profits, and benefits thereto attached; and said O'Hara bound and obligated himself to execute and perform that portion of said con-

tract, unfinished, extending from said lake end of the new canal westward to the Upper Line protection levee;

And whereas by an act passed before the undersigned notary on the twenty-first day of June, eighteen hundred and seventy-three, the said William W. Divine transferred and assigned to said James J. O'Hara all that portion of said contract as related to that portion of the work extending from the Bayou St. John westward to the lake end of the new canal, with all the advantages, privileges, emoluments, and profits thereto attached, and said O'Hara bound and obligated himself to execute and perform all the work to be done on said contract or revetment from the Bayou St. John westward to the lake end of the new canal;

383 And whereas the only portion of said contract or revetment that has been executed or made is embraced between said lake end of the new canal (westward) to the Upper Line protection levee, and there has been no portion whatever of said contract or revetment executed or made from said Bayou St. John westward to the lake end of the new canal;

And whereas there is claimed to be due and owing by and from the city of New Orleans a large sum of money in connection with the building of that portion of said revetment extending from the lake end of the new canal westward to the Upper Line protection levee, not only under and by virtue of the aforesaid contract or agreement of the fifteenth day of July, eighteen hundred and seventy-two, but by reason and on account of extra work and labor done and performed and extra materials furnished in connection with the construction of the aforesaid portion of said work or revetment extending from the lake end of the new canal westward to the Upper Line protection levee;

And whereas the city of New Orleans is desirous of paying or discharging such amount as she may justly owe on acccount of the work, labor, and materials done and furnished under said contract and of cancelling and annulling or putting an end to the hereinbefore specified contract for the construction of said wooden revetment along the lake shore from Bayou St. John westward to the Upper Line protection levee, and to these ends all parties in interest have agreed to adjust all differences therewith connected and to amicably compromise and settle all things relating thereto:

Now, therefore, for and in consideration of said premises
384 and of the several sums of money hereinafter specified, the several parties whose names are hereto subscribed moreover declared that the aforesaid contract or agreement passed before the undersigned notary on the fifteenth day of July, eighteen hundred and seventy-two, between the city of New Orleans and said James J. O'Hara and any and all other contracts, agreements, or understandings connected with said contract for the construction of a wooden revetment along the lake shore from the Bayou St. John westward to the Upper Line protection levee are and shall henceforth be vacated, set aside, and held for naught, and the city of New Orleans and either or all of the parties hereto, as well as any and all persons claiming an interest therein, are relieved from said con-

tract and agreements and each and all declared to hold the same position towards each other as if said contracts or agreements had never been entered into, made, or executed and had never existed as an obligation between them or either of them or any or all of them.

And in consideration of the sum of three thousand dollars in lawful money of the United States to James J. O'Hara and William Henry in hand paid, at the execution hereof and in the presence of the undersigned notary and witnesses, by the city of New Orleans, through its mayor, Louis A. Wiltz, here present, under the provisions of resolution No. 2467, administration series, the receipt whereof is hereby acknowledged, the said James J. O'Hara and William Henry do hereby sell, transfer, assign, and set over, with all legal warranties, unto the city of New Orleans, herein represented by its mayor, Louis A. Wiltz, present and accepting, under the
385 provisions of the aforesaid ordinance No. 2467, administration series, and acknowledging delivery and possession—all and singular the materials, tools, implements, boats, and other articles of personal property that they, said O'Hara and Henry, have or that either of them has now on hand and contemplated or intended for use in the construction of the aforesaid revetment work lying and being at the lake end of the new canal, being more particularly defined as consisting of forty-eight thousand nine hundred feet of lumber, two boats for pile-drivers, and a lot of tools and bolts:

To have and to hold the said lumber, boats, tools, &c., unto the city of New Orleans, and said O'Hara and Henry hereby bind themselves and their heirs to warrant and forever defend the same unto the city of New Orleans against all legal claims and demands.

And in consideration of the sum of thirteen thousand five hundred dollars ($13,500.00) in new consolidated gold bonds, drainage series, to the said James J. O'Hara in hand paid by the city of New Orleans at the execution hereof and in the presence of the undersigned notary and witnesses, through its said mayor, Louis A. Wiltz, the several parties hereto moreover declared that they hereby remise, release, and forever discharge the city of New Orleans of and from any and all manner of action and actions, cause and causes of action, suits, debts, dues, sums of money, claims, and demands whatsoever, in law or in equity, which they ever had or now have, or which they or their heirs, executors, administrators, or assigns hereafter can, shall, or may have, by reason of any matter, cause, or thing whatever arising out of or pertaining to the aforesaid contract or agreement between the city of New
386 Orleans and James J. O'Hara, executed before the undersigned notary on the fifteenth day of July, eighteen hundred and seventy-two, whether for work and labor done and performed and materials furnished in the construction of said revetment, extra work and labor, or extra materials furnished and performed, or, in fine, for any and all claims or demands against the city of New Orleans of whatsoever kind or nature, as well in law as in equity, resulting from the construction of said lake shore revetment, or any contract or agreement relative thereto, each and every one as

well—all of the parties hereto acknowledging and declaring that no rights, claims, and demands exist against the city of New Orleans for the payment of any further sum or sums of money connected with the aforesaid contract of the fifteenth day of July, eighteen hundred and seventy-two, for the construction of said lake shore revetment, or with any work and labor done and performed or materials furnished in building said revetment, and that they hereby severally agree and do by these presents bind themselves and their heirs to quiet and at all times hold and save the city of New Orleans harmless and indemnified of and from any and all such claims and demands.

And here James J. O'Hara and William Henry, two of the subscribers hereto, declared and said that there is no privilege, claim, or demand against the city of New Orleans in favor of any person or persons for work or labor done or performed, or for material purchased or used in the construction of said revetment or any part or portion thereof, and that the bond heretofore made and exe-
387 cuted by them unto and in favor of the city of New Orleans to secure it against the payment of a pretended claim of the bankrupt estate of W. W. Divine shall continue to remain in full force and effect until same shall be settled or annulled, notwithstanding anything that may herein be construed to the contrary.

And now the said James J. O'Hara, as principal, and William Culliman, as security, moreover declared that they have carefully read what is hereinbefore written, and they hereby bind themselves and their heirs, jointly and *in solido*, unto the Hon. Louis A. Wiltz, mayor of said city of New Orleans, and to his successors in office, in the sum of two thousand dollars, lawful money of the United States, to be paid unto said mayor and his successors.

Now, the condition of the above obligation is such that if the said James J. O'Hara shall and will at all times hereafter save and hold the city of New Orleans free, harmless, and indemnified of and from any and all actions and manner of action, cause and causes of actions, suits, debts, dues, sums of money, claims, and demands whatsoever, as well in law *or* in equity, arising out of or resulting from the aforesaid contract of the fifteenth of July, 1872, for the construction of said revetment along the lake shore westward from the Bayou St. John to the Upper Line Protection levee, and any other agreement relative thereto, or by reason of any and all labor, work, and materials furnished or performed on said revetment, then this bond or obligation shall be null and void, but otherwise be and remain in full force and virtue.

Thus done and passed in my office, in New Orleans aforesaid, in the presence of George Cenas and Paul A. Conand, witnesses, both of this city, who hereunto sign their names with the parties
388 and me, the said notary, the day and date aforesaid.

(Original signed)
P. A. CONAND.
GEO. CENAS.

WM. CULLIMAN.
WILLIAM HENRY.
JAS. J. O'HARA.
LOUIS A. WILTZ, *Mayor.*
W. W. DIVINE.
ANDREW HERO, JR., *Not. Pub.*

And now I, James Backley, of New Orleans, do hereby declare that I have read the hereinbefore act, and that I hereby abandon and withdraw any and all right, title, interest, claim, or demand which I have had, now have, or may have by transfer or assignment of said William W. Devine, or from any other person or persons whomsoever, in and to or under the contract for the hereinbefore referred to lake shore revetment, as well as under any other contract or agreement whatsoever; and I moreover withdraw, annul, and abandon any and all claims, rights, and interest therein or thereto heretofore or now belonging to me against the city of New Orleans arising or which has arisen from any transfer or assignment from the aforesaid William W. Devine in and to said contract or any money arising therefrom.

In faith whereof I have hereto signed my name in the presence of and together with the aforesaid witnesses and said notary
389 on this seventeenth day of January, 1874.

(Original signed) JAMES BUCKLEY.
P. A. CONAND.
GEO. CENAS.

ANDREW HERO, JR., *Not. Pub.*

A true copy of the original on file in my office, New Orleans, April 23rd, A. D. 1887.

[L. S.] (Signed) ANDREW HERO, *Not. Pub.*

26. *Ordinance No.* 2467, *A. S.*

MAYORALTY OF NEW ORLEANS,
C'Y HALL, *January 7th*, 1874.

No. 2467, administration series.

Resolved, That the administrator of finance issue on the warrant of the administrator of public accounts to J. J. O'Hara in full and final settlement for work performed and material furnished by him under the contract entered into by virtue of ordinance No. 1615, administration series, and for extra work, the sum of $13,500 in new consolidated bonds, drainage series, at par.

Be it further resolved, That the administrator of finance
390 pay to said J. J. O'Hara on the warrant of the administrator of public accounts the sum of $3,000 in cash for material, &c., turned over by him to the city, consisting of lumber, timber, iron bolts, pile-driver, boats, etc., as per inventory of the city surveyor, and in consideration of the cancellation and annulment of the contract herein referred to.

Be it further resolved, That said payments shall only be made on the execution of an act before the city notary between the city, J. J. O'Hara, and such other persons as may be necessary, and said act to be drawn up under the supervision of the city attorney to the satisfaction of the mayor, who is hereby authorized to sign the same on behalf of the city.

Adopted by the council of the city of New Orleans January 6, 1874.

Yeas—Brewster, Calhoun, Fitzinreter, Lewis, Schneider, Turnbull.

LOUIS A. WILTZ, *Mayor.*

A true copy.

DANIEL SCULLY, *Secretary.*

Paid by cash warrant No. 382, Book 6 of Cash Warrants, page 168, which warrant reads as follows:

Draining Districts.

J. J. O'Hara in full settlement for materials, &c., turned over to the city by him, consisting of lumber, timber, iron bolts, pile-drivers, boats, &c., as per inventory of the city surveyor and in consideration of the cancellation and annulment of the contract $3,000

Ord. 2467.

Journal entry as follows:

Journal C, p. 396—La. Nat. Bank.

Draining fund withdrawn from bank to pay C. W. # 202	$1,000
" " C. W. # 382	3,000
	$4,000

391 27. *Ordinance No.* 2573, *A. S.*

MAYORALTY OF NEW ORLEANS,
CITY HALL, *April* 23, 1874.

No. 2573, administration series.

An ordinance providing for the several accounts therein named.

Be it ordained, That the following appropriations be, and are hereby, made, and that the administrator of public accounts warrant on the administrator of finance in payment of the same whenever there shall be money in the city treasury to the credit of the appropriate fund for each account and not otherwise appropriated:

Bureau of drainage.

D. C. McCan & Son, iron-work	$158 00
Henry Ortling, lumber	219 54
Barret & Weiman, hardware	162 65
New Canal Company, tollage	23 35
Leeds & Co., iron-work	101 75
Bostick & Cohen, hardware	91 81
John Hennessey & Bro., iron-work	120 39
Thos. Duffy, iron-work	99 20
W. G. Wilmot & Co., coal	750 00
H. & C. Tyler & Co., coal	500 00
Adolph Laine, agent, coal	1,000 00

Adopted by the city council of New Orleans April 21, 1874.

Yeas—Brewster, Calhoun, Fritzenreiter, Lewis, Schneider, Strucken, Turnbull.

LOUIS A. WILTZ, *Mayor.*

392 *Statement from Ledger C. & D. of Office Public Accounts of 10% Att'ys' Fees Collected in Third Drainage District.*

		Paid:	
1875.			
Sept.	6.	G. S. Lacey	195 85
"	6.	Alp. Philips	259 55
Oct.	7.	G. S. Lasey	458 05
"	15.	J. B. Colton	709 25
1876.			
July	3.	Jno. Burke, chair'n	140 80
Sept.	6.	J. B. Guthrie	8 15
Oct.	3.	Do	1 95
"	"	Burke	177 10
Nov.	4.	Guthrie	1 00
"	11.	Burke	24 20
Dec.	2.	Guthrie	1 10
1877.			
Mar.	6.	Do	2 45
"	21.	Recording mortgage	16 00
Ap.	3.	Guthrie	1 90
May	5.	"	1 10
June	5.	"	2 80
July	5.	"	1 20
Aug.	7.	"	1 50
Sept.	3.	"	1 45
Oct.	3.	"	1 05
Nov.	5.	"	95
Dec.	8.	"	1 65
1878.			
Jan'y	4.	"	1 10
June	10.	Thos. H. Handy	237 50
Feb'y	6.	Guthrie	1 10
Apr.	4.	E. E. Wessel	29 90
June	4.	Guthrie	3 35
1879.			
Jan'y	2.	P'd do.	2 50
"	20.	F. Hebert	6 00
Feb'y	1.	L. Soublet	10 00
"	5.	F. F. Hansell	6 00
"	20.	Blanc	4 15
M'ch	3.	Guthrie	25 50
"	"	Do.	3 35
"	"	Do.	106 50
Apr.	2.	Do.	27 00
"	4.	Do.	60 75
June	3.	Larouque, salary	50 00
July	12.	Guthrie	9 00
Sept.	23.	T. W. Collins	80 12
Oct.	2.	Guthrie	4 28
Dec.	29.	Laroque, salary	50 00
1880.			
M'ch	1.	Guthrie	2 85
Nov.	20.	Laroque, salary	50 00
Dec.	1.	Guthrie	3 60
1881.			
Jan'y	26.	Hyatt	22 00
Feb'y	3.	Blanc	35 30
"	24.	"	5 00
Mar.	5.	"	3
Feb'y	5.	"	45 00
May	10.	"	8 80
Aug.	12.	Mayo, ac't salary	100 00
Nov.	16.	do. " "	47 00
		For'd	3,049 70

		Collected	
1875.			
June	30.		85 05
Aug.	4.	"	166 25
"	7.	"	505 70
"	31.	"	882 42
Oct.	1.	"	555 90
Nov.	1.	"	572 25
Dec.	1.	"	482 50
"	31.	"	437 65
1876.			
F'b'y	1.	"	63 95
M'ch	1.	"	13 25
Apr.	1.	"	53 25
"	15.	"	16 10
May	2.	"	228 80
June	1.	"	220 15
July	1.	"	86 10
Aug.	2.	"	146 00
Sept.	4.	"	180 20
Oct.	2.	"	77 45
"	31.	"	40 50
Dec.	2.	"	48 60
"	30.	"	11 65
1877.			
Feb'y	1.	"	31 30
M'ch	1.	"	54 75
Apr.	2.	"	76 70
May	2.	"	43 35
June	1.	"	112 10
July	2.		48 90
Aug.	2.		59 75
Sept.	1.		57 25
Oct.	1.		41 55
Nov.	2.		38 80
Dec.	—.		65 50
1878.			
Jan'y	2.		44 10
Feb'y	1.		44 55
"	28.		56 15
Apr.	1.		39 65
May	1.		10 70
June	1.		28 25
July	1.		18 15
Nov.	15.		51 70
Dec.	3.		15 60
1879.			
Jan'y	2.		14 15
Feb'y	3.		7 20
M'ch	3.		964 90
Apr.	1.		108 80
May	2.		28 15
June	2.		22 35
July	2.		26 75
Aug.	11.		6 15
Sept.	1.		17 20
Oct.	1.		74 85
"	31.		46 10
		Forward	$7,124 12

Statement from Ledger C. & D., &c.—Continued.

393

	Paid out:	
1882.	Brought forward	3,049 70
Sept. 28.		2 90
Nov. 19.		1 20
		3,053 80
		3,053 80

	Received:	
1879.	Am't bro't for'd	7,124 12
Nov. 29.	By collections	13 95
Dec. 31.	"	8 25
1880.		
Jan. 31.	"	11 95
Feb'y 27.	"	34 60
M'ch 31.	"	51 75
Apr. 29.	"	18 00
June 1.	"	8 25
" 30.	"	9 65
July 31.	"	16 45
Sept. 29.	"	7 85
Sept. 1.	"	17 25
Oct. 29.	"	9 30
Nov. 30.	"	5 55
Dec. 31.	"	7 60
1881.		
Feb'y 1.	"	3 70
" 28.	"	5 80
May 31.	"	4 00
Apr. 30.	"	3 05
July 18.	"	4 55
Aug. 12.	"	35 80
Sept. 19.	"	11 05
Oct. 31.	"	3 30
Dec. 1.	"	6 90
		$7,422 77
1882.		
Jan'y 3.	"	5 70
" 13.	"	1 25
M'ch 11.	"	7 50
May 2.	"	1 95
June 7.	"	2 60
July 8.	"	2 25
Aug. 3.	"	3 50
Sept. 27.	"	4 90
Nov. 4.	"	46 25
" 17.	"	1 60
Dec. 29.	"	2 30
		7,502 57

Received	7,502 57
Paid out	3,053 00
Balance to credit ac't	4,448 77

394

E.

Statement Showing Attorneys' Fees Collected, 1st Drainage District, and Amounts Paid Thereon.

1875.		
June 30	Collections	322 25
Aug. 3–31		949 89
Oct. 1		247 03
Nov. 1		388 92
Dec. 1–31		713 25

Statement Showing Attorneys' Fees, &c.—Continued.

1875.				
July 6	Payments—Geo. S. Lacey		322 25	
Aug. 5	Do.		266 45	
Sept. 2	Do.		683 44	
Oct. 2	Do.		247 03	
Nov. 2	Do.		388 92	
Dec. 1	Do.		541 70	
1876.				
Feb. 1	Collections			39 90
M'ch 1				10 05
Apr. 1				13 90
May 2				241 50
June 1				591 80
July 1–18				1,087 95
Aug. 2				133 25
Sept. 4				171 15
Oct. 31				142 60
Dec. '30				48 85
1876.				
Jan. 3	Payments—Geo. S. Lacey		171 55	
May 3–9	Do.		305 35	
June 2	Do.		591 80	
July 3–19	Do.		1,087 95	
Aug. 7	Do.		133 25	
Sept. 6	Do.		171 15	
Oct. 5	Do.		120 50	
Nov. 11	Do.		22 10	
Dec. 7	Do.		23 65	
1877.				
Feb'y 1	Collections			1 05
M'ch 1				9 60
Apr. 2				11 25
May 2				28 85
June 1				4 45
July 2				19 80
Aug. 6				20 90
Sept. 1				32 40
Oct. 1				31 65
Nov. 2				37 10
Dec., no date				59 70
	Am't carried for'd		5,077 09	5,359 04
395				
			5,077 09	5,359 04
1877.				
Jan. 4	Payments—Geo. S. Lacey		25 20	
M'ch 8	Do.		10 65	
Apr. 5	Do.		11 25	
May 9	Do.		28 85	

Statement Showing Attorneys' Fees, &c.—Continued.

1877.			
July 5	Payments—Geo. S. Lacey	24 25	
Aug. 10	Do.	20 90	
Sept. 5	Do.	32 40	
Oct. 3	Do.	31 65	
Nov. 2	Do.	37 10	
Dec. 3	Do.	59 70	
1878.			
Jan. 2	Collections		15 10
Feb'y 1–28			99 95
Apr. 1			2 90
May 1			14 20
June 1			40 55
July 1			34 95
Nov. 15			39 80
Dec. 3			5 10
1878.			
Jan. 5	Payments—Geo. S. Lacey	15 10	
Feb'y 9	Do.	80 85	
Mar. 2	Do.	19 10	
May 7	Do.	14 20	
June 3	Do.	43 45	
July 5	Do.	34 95	
Nov. 18	Do.	39 80	
Dec. 7–9	Do.	5 10	
1879.			
Jan'y 2, 3	Collections		1 95
Feb'y 3, 4			32 75
Mar. 1			66 90
Apr. 1			31 45
May 2			16 50
June 2			2 90
July 2, 3			130 20
Aug. 11–12			49 90
Sept. 1, 2			36 90
Oct. 31			26 65
Nov. 29			12 00
Dec. 31			6 70
1879.			
Feb'y 5, 6	Payments	34 70	
M'ch 1		66 90	
Apr. 3		31 45	
May 3		16 50	
July 5		133 10	
Aug. 11, 12		49 90	
Sept. 1		36 90	
Oct. 1		22 05	

Statement Showing Attorneys' Fees, &c.—Continued.

1879.			
Nov. 5	----------	4 60	
Dec. 5	----------	12 00	
396	Carried for'd ----------	6,019 69	6,025 39
1880.		6,019 69	6,025 39
Jan'y 17	Collections ----------	----------	1 50
Feb'y 6	----------	----------	4 25
Mar. 3	----------	----------	12 15
Apr. 3	----------	----------	25 20
June 1–30	----------	----------	46 60
July 31	----------	----------	15 70
Sept. 1–30	----------	----------	4 05
Oct. 30	----------	----------	5 50
Nov. 30	----------	----------	16 30
Dec. 31	----------	----------	8 75
1880.			
Jan. 16, '7	Payments—Geo. S. Lacey----	6 70	
Apr. 6	Do. ----	17 90	
May 1–3	Do. ----	25 20	
June 7	Do. ----	15 85	
July 2	Do. ----	30 75	
Aug. 3, 4	Do. ----	15 70	
Oct. 6, 7	Do. ----	4 05	
Nov. 3	Do. ----	5 50	
Dec. 1	Do. ----	16 30	
1881.			
Feb. 1–28	Collections ----------	----------	61 85
Apr. 30	----------	----------	6 20
May 31	----------	----------	1 45
July 18	----------	----------	2 70
Sept. 19, 20	----------	----------	1 50
Oct. 31	----------	----------	4 45
Dec. 1	----------	----------	2 80
1881.			
Jan. 11	Payments—Geo. S. Lacey----	8 75	
Feb'y 2	Do. ----	47 40	
Mar. 5	Do. ----	14 45	
May 26	Do. ----	6 20	
July 27	Do. ----	4 15	
Nov. 2	Do. ----	5 95	
1882.			
Jan. 3–31	Collections ----------	----------	3 75
May 2–8	----------	----------	67 35
June 7	----------	----------	17 30
July 8	----------	----------	4 40
Nov. 4–17	----------	----------	11 10

Statement Showing Attorneys' Fees, &c.—Continued.

1882.			
Feb'y 3	Payments—Geo. S. Lacey	6 55	
May 16	Do.	59 70	
June 13	Do.	24 95	
July 11	Do.	4 40	
Nov. 13–18	Do.	5 00	
		6 10	
397	Carried for'd	6,351 24	6,350 24
1883.		6,351 24	6,350 24
M'ch 28–31 to Dec. 1	Collections		12 95
1883.			
July 20	Payments—Geo. S. Lacey or bearer.	9 35	
1884.			
Jan. to Nov.	Collections		14 15
1884.			
June 26	Payments—Lacey or bearer	7 85	
1885.			
Apr. to Oct.	Collections		14 85
1885.			
June 9	Payments—Lacey or bearer	17 75	
1886.			
Jan. to Dec.	Collections		20 30
1886.			
M'ch 27	Payments— do. do.	16 20	
1887.			
Feb. to Dec.	Collections		10 70
1887.			
Dec. 27	Payments— do. do.	21 80	
1888.			
Feb'y 13–18	Collections		65
	Totals	6,424 19	6,423 84

E. and O. E.

398 Original of below to be found at p. 31, ledger, department of finance, city of New Orleans.

Collection of Drainage Tax.

1871—June	719 65
July	962 10
Aug.	1,590 40
Sept.	576 90
Oct.	1,880 90

1871—Nov.	458 25		
Dec.	954 90		
			7,143 10
1872—Jan'y	1,092 35		
Feb'y	657 70		
March	654 45		
April	1,312 40		
May	2,295 60		
June	1,855 00		
			7,867 50
July	2,190 35		
Aug't	2,651 38		
Sept.	1,849 60		
Oct.	978 95		
Nov.	663 00		
Dec.	632 50		
			8,965 78
1873—Jan'y	334 75		
Feb'y	836 65		
March	2,467 20		
Apr.	4,398 55		
May	4,595 20		
June	3,519 45		
			16,151 80
July	3,511 90		
Aug.	2,646 75		
Sept.	1,160 35		
Oct.	829 35		
Nov.	576 65		
Dec.	1,072 55		
			9,797 55
1874—Jan'y	296 85		
Feb'y	2,002 45		
Mar.	4,664 48		
Apr.	4,040 10		
			11,003 88
			60,926 61
May	4,823 15		
June	4,956 50		
July	2,965 80		
Aug.	2,587 75		
Sept.	3,601 75		
Octo.	3,516 07		
Nov.	1,345 05		
Dec.	3,822 10		
			27,618 17
Forward			88,547 78

	Amount over		88,547 78
1875—Jan'y		2,751 35	
Feb'y		1,281 20	
March		2,273 25	
Apr.		2,853 55	
May		2,895 55	
June		13,020 25	
			25,075 95
July		8,292 05	
Aug.		28,823 60	
Sept.		24,504 50	
Oct.		13,667 25	
Nov.		9,135 70	
Dec.		17,657 40	
			102,080 50
1876—Jan'y		1,768 10	
Feb.		50 00	
M'ch		866 60	
Apr.		5,665 85	
May		10,607 80	
June		4,714 50	
			23,672 85
July		36 05	
Aug.		13,694 80	
Sept.		3,944 70	
Oct.		5,044 60	
Nov.		445 95	
Dec.		3,730 70	
			26,896 80
1877—Jan.			
Feb.		1,495 70	
M'ch		2,533 45	
Apr.		1,711 75	
May		1,166 40	
June		1,907 90	
			8,815 20
July		3,723 55	
Aug.		1,829 59	
Sept.		2,545 50	
Oct.		1,271 35	
Nov.		1,524 15	
			13,234 44
			288,327 52

399 Collections of drainage tax from June, 1871, to Dec. 1877, inclusive, as per details opposite 288,327 52

Do. of att'y's com., ledger, fo. 14 .. 89 65

Do. sheriff's costs, ac. Miss. & Mex. Gulf Ship C. Co., ledger, fo. 33 .. 551 55

Do. ac. drainage district contract, ledger, fo. 34	982 01		
		1,623 21	
			289,950 73

As per books dep't finance.

Collections of tax, 1st district	92,975 00		
2d "	31,846 85		
3d "	75,311 58		
4th "	15,660 45		
		215,793 88	
Do. do. drainage districts		73,417 88	
Do. do. reimbursement costs		739 40	
			289,950 73

As per books dep't pub. ac'ts.

NOTE.—Explanation of detailed collections and deposits over.

And at this date both parties to this suit admit that the foregoing statement on all sides of this paper is a true copy of what appears in defendant's ledger, department of finance, city of New Orleans, page 31.

April 14th, 1888.

O. B. SANSUM, *Examiner.*

400	Collection of drain-ge tax proper			288,327 52
	Sheriff's costs		551 55	
			982 01	
				1,533 56
	Total collection			289,861 08
Att'y commission				89 65
				289,950 73

Collection in cash:

Deposited B'k N. Orleans	11,068 75		
" La. Savings B'k	6,022 80		
" La. Nat. B'k	32,702 27		
Ac. drawing fund		49,793 82	
" La. Nat. B'k, ac. in Mex. G. S. C. Co.		32,860 10	
" " draining dist. contracts		12,234 76	
		94,888 68	
Collection in script of city from July 27, 1872, to Jan'y 9, 1873. 1st dist.	1,546 03		
2 "	3,398 85		
3 "	1,939 95		
		6,884 83	

Drainage certificates funded	1,390,948 25	
Do. paid cash dr'g fund	21,605 52	
Do. " gen'l " to the def't att'ys 3d dist.	1,793 75	
	1,414,383 52	
Do. received for drainage tax	182,389 25	182,389 25
Total am't of draining cer's redeemed	1,596,722 77	
Interest on draining cert's redeemed by funding	11,903 33	
" " cash dr. fund	228 15	
" " gen'l fund	39 57	
	12,171 05	
Rec'd ac. drainage tax	5,698 32	5,698 32
Total am't d'g certificate interest	17,869 37	
		298,861 08
To general fund		89 65
		289,950 73 289,950 73

401 *Amount of Drainage Received by the City of New Orleans in Drainage Warrants.*

1874. For the 6 months ending June 30, 1874, as per report of dep't of public accounts, p. 131	16,889 88		
Interest on the same	172 80		
			17,062 68
For the 6 months ending Dec. 31, 1874, as per report dep't pub. ac'ts, page- 69 & 64	14,587 45		
Interest on same	218 62		
			14,806 07
1875. For the 6 mo's ending June 30, '75, as per report dep't public accounts, page- 18 & 56	20,562 37		
Interest on same	264 18		
			20,826 55
For the 6 mo's ending Dec. 31, '75, as per report dep't pub. ac'ts, as per page 20	78,475 85		
Interest on the same	580 30		
			79,056 15
1876. For the 6 mo's ending June 30, '76, as per report dep't pub. accounts, p. 15	18,289 60		
Interest on the same	384 50		
			18,674 10
For the 6 mo's ending Dec. 31, '76, as per semi-annual rep't dep't pub. ac'ts, p. 15	20,008 82		
Interest on the same	1,527 33		
			21,536 15
1877. For the 6 mo's ending June 30, '77, as per semi-ann'l rep't dep't public accounts, page 14	5,179 10		
Interest thereon	926 70		
			6,105 80
For the 6 mo's end'g Dec. 31, '77, as per semi-annual rep't dep't pub. ac'ts, page 14	8,359 80		
Interest thereon	1,623 89		
			10,019 69

1878.	For the 6 mo's ending June 30, '78, as per semi-an. rep't dep't pub. accounts, p. 15	3,638 60	
	Interest on same	785 20	
			4,423 80
	For the 6 mo's ending Dec. 31, '78, as per semi-an. rep't dep't public accounts, p. 15	540 72	
	Interest on same	142 73	
			683 45
1879.	For the 6 mo's ending June 30, '79, as per semi-an. rep't dep't pub. accounts, p. 15	9,926 75	
	Interest thereon	3,245 40	
			13,172 15
	For the 6 mo's ending Dec. 31, '79, as per semi-an. rep't dep't pub. accounts, p. 17	3,550 98	
	Interest thereon	1,209 52	
			4,760 50
1880.	For the 6 mo's ending June 30, '80, as per semi-an. rep't dep't public accounts, p. 16	66 85	
	Interest thereon	27 50	
			94 35
	For the 6 mo's ending Dec. 30, '80, as per semi-an. report dep't pub. accounts, p. 13	275 00	
	Interest thereon	113 10	
			388 10
1881.	For the 6 mo's ending June 30, '81, as per semi-an. rep't dep't pub. ac'ts, p. 17	292 90	
	Interest thereon	138 50	
			431 40
			214,440 94

402 *Statement of Salaries Due and Paid Wm. T. Mayo, Book-Keeper of the Bureau of Drainage Assessments, from the 1st of January, 1878, to 30th June, 1881, by City of New Orleans.*

1878.			1878.			
Jan.	To salary....	200 00	Feb'y 4.	By cash for Jan'y		200 00
Feb.	"	200 00	Mar. 2	" " Feb'y		200 00
Mar.	"	200 00	Apr. 3	" " March		200 00
Apr.	"	200 00	May 4	" " Apr.		200 00
May.	"	200 00	June 3	" " May		200 00
June.	"	200 00	July 5	" " June		200 00
July.	"	200 00	Nov. 18	" " July to Oct.		800 00
Aug.	"	200 00	Dec. 11	" " part Nov.		157 00
Sept.	"	200 00	1879.			
Oct.	"	200 00	Jan. 3	" bal. Nov., 43.00; p't Dec.		179 75
Nov.	"	200 00	Feb. 4	" " Dec., 63.35, & Jan'y, 200		263 25
Dec.	"	200 00	Mar. 3	" cash for Feb'y, 1879		200 00
1879.			Apr. 1	" " " Mar. "		200 00
Jan'y.	"	200 00	May 6	" " p't April		184 00
Feb.	"	200 00	June 3	" " April 16, May, 200		216 00
Mar.	"	200 00	July 3	" " " June		200 00
Apr.	"	200 00	Aug. 11	" " " July		200 00
May.	"	200 00	Sept. 2	" " " Aug.		200 00
June.	"	200 00	Oct. 4	" " " Sept.		200 00
July.	"	200 00	Nov. 1	" " " Octo.		200 00
Aug.	"	200 00	Dec. —	" " " part Nov.		149 00
Sept.	"	200 00	1880.			
Oct.	"	200 00	Jan'y 3	" " bal. Nov.		51 00
Nov.	"	200 00	Feb'y 2	" " for p't Dec., '79		92 15
Dec.	"	200 00	1880.			
1880.			Mar. 3	" " bal. Dec., 107.85; Jan'y, '80, $200		307 85
Jan.	"	200 00	Apr. 1	" " Feb., 200; p't Mar., 50		250 00
Feb.	"	200 00	May 1	" " bal. Mar., 150, Apr., 50		200 00
Mar.	"	200 00	June 1	" " part of April		110 25
Apr.	"	200 00	July 2	" " bal. Ap., 39.75; May, 200		239 75
May.	"	200 00	Aug. 3	" " June, 1880		200 00
June.	"	200 00	Sept. 2	" " part July		143 75
July.	"	200 00	Oct. 1	" " bal. July		56 25
Aug.	"	200 00	Nov. 1	" " part August		72 95
Sept.	"	200 00	Dec. 1	" " bal. Aug., 127.95; p't Sept., 26.80		153 85
Oct.	"	200 00	1881.			
Nov.	"	200 00	Jan. 3	" " part Sept., 1880		109 20
Dec.	"	200 00	Feb. 2	" " bal. of Sept., 1880		64 00

Statement of Salaries Due and Paid Wm. T. Mayo, &c.—Continued.

1881.			Mar. 2	By cash part of Oct., 1880	75 00
Jan.	To salary....	200 00	May 2	" " " " "	50 75
Feb.	"	200 00	June 1	" " " " "	43 85
Mar.	"	200 00	July 19	" " bal. Octo., 30.70; p't Nov., 37.75	67 75
Apr.	"	200 00	Aug. 12	" " part Nov., 1880	100 00
May.	"	200 00	" 13	" " bal. Nov., 62.55; p't Dec., 18.35	81 00
June.	"	200 00	Sept. 20	" " part Dec., 1880	87 40
			Nov. 3	" " " "	47 25
			" 16	" " bal. "	47 00
			Dec. 2	" " part Jan'y, 1881	19 10
			1882.		
			Feb'y 1	" " " "	25 70
			M'ch 13	" " " "	58 40
			May 2	" " " "	64 05
403	For'd	8,400 00		Forward	7,368 25
1881.		8,400 00	1882.	Bro't forward	7,368 25
			May 8	By cash, bal. Jan'y 32 75	
				" all Feb'y 200 00	
				" part Mar. 6 10	
					238 85
			June 3	" p't Mar., '81	32 80
			July 10	" " '81	32 15
			Aug. 5	" " "	100 65
			Sept. 28	" bal. Mar., 28.30; p't Apr., 142.95	171 25
			Nov. 4	" bal. Apr., '81	57 05
			17	" p't May, '81	60 00
			1883.		
			Jan. 3	" " "	34 10
			" 18	" " "	67 35
			Feb'y 16	" bal. " "	38 55
			" "	" on ac. June, '81	8 35
			Mar. —	" part June, '81	43 05
			May 26	" on ac. "	36 55
			June 21	" balance "	112 05
		8,400 00			8,400 00
					8,400 00
Transfer of Mexican Gulf Ship Canal Co. and W. Van Norden was made June 6th, 1876. Therefore add to salary of Mayo from, say, July 1, 1876, to Jan'y 1, 1878, 18 months, @ $200 per month					3,600 00
Making a total of salary paid Mayo from July 1, 1876, to 30 June, 1881					$12,000 00

404 34. *Deposition of Warner Van Norden, Before Daniel Seymour, Notary Public, Feb'y* 15, 1887.

Circuit Court of the United States, Eastern District of Louisiana.

J. W. PEAKE
vs.
THE CITY OF NEW ORLEANS. } No. 10810.

I, Daniel Seymour, a notary public in and for the city and county of New York, in the State of New York, duly commissioned and sworn and dwelling in said city, do hereby certify that on the 15th day of February, 1887, between the hours of one and three o'clock p. m., at No. 23 Nassau St. (the office of Warner Van Norden), in said city, personally appeared before me Warner Van Norden, pursuant to the annexed commission, and the said Warner Van Norden, being by me first duly cautioned and sworn to testify the whole truth and being carefully examined by me upon the interrogatories annexed to said commission, deposed as follows:

In answer to the first interrogatory he saith: My name is Warner

Van Norden; my age, 45 years; I have been a resident and citizen of the State, city, and county of New York since July, 1876; am an officer of a mining company.

In answer to the second interrogatory he saith: Yes; I
405 think the first issue was in June, 1872, and the last in June, 1876; do not remember the exact amount.

In answer to the third interrogatory he saith: I do not remember the precise date, but I think some time during the year 1875.

In answer to the fourth interrogatory he saith: Said warrants had been pledged to one Morey for money loaned. For some time prior to June, 1876, they were in said Morey's possession on pledge as collateral security. These warrants passed from my control at the time the loan was made, which, I think, was in 1875, and never again came into my possession and were not in my possession on the 7th June, 1876, and were never controlled by me after being pledged to said Morey as herein described.

In answer to the fifth interrogatory he saith: The contract was originally owned by the Mississippi and Mexican Gulf Ship Canal Company, which became largely indebted to me, and I was finally obliged to advance still larger sums. To secure myself a transfer of franchise, boats, material, &c., was made in or about May, 1872, and thereafter I was recognized as the "transferee" of said compan

From May, 1872, to June, 1876, I did a vast amount of work for the city on the contract. The work was well done, strictly according to contract, and in the best manner known to engineers. All the work was accepted by the city's engineers and officers, and by them acknowledged to be of large benefit to the city. Notwithstanding this, and though warrants were issued in payment,
406 the city refused persistently to collect the tax against which the warrants were issued. To protect myself I was compelled to resort to legal proceedings and at last obtained from the supreme court of Louisiana a peremptory mandamus compelling the city to issue writs of *fi. fa.* and enforce the collection of the tax.

In spite of my best efforts, so lukewarm was the action of the city that between the months of December, 1873, and June, 1876, but $218,054.84 was collected, leaving outstanding on the 7th June, 1876, the sum of $688,695.00 unpaid.

To carry on this great work I was compelled to pay cash for all labor and material, and, believing that the city would ultimately pay said warrants, borrowed on them various sums of money, pledging them as collateral. In this way the warrants in question were pledged to Mr. Morey prior to the month of June, 1876, for cash loaned by him.

(Signed) W. VAN NORDEN.

Read over, subscribed, and sworn to by the witness this 15th day of February, 1887, before me—

[L. S.] (Signed) DAN. SEYMOUR,
Notary Public, N. Y. Co.

Interrogatories Filed January 27, 1887.

407 United States Circuit Court, Eastern District of Louisiana.

J. W. PEAKE
vs.
THE CITY OF NEW ORLEANS. } No. 10810.

Interrogatories to be propounded to Warner Van Norden, of the city of New York, and to be by him answered under oath, said answers to be read in evidence on the trial of the above case by plaintiff.

1st. State your name, age, residence, and business.

2nd. Are you the person who was transferee of the Mexican Gulf Ship Canal Company of New Orleans, Louisiana, and were any drainage warrants issued to you by said city of New Orleans as such transferee? And, if yes, state when such issue began and when it ended, and what was the number of such warrants and the amount thereof, as near as you can.

3rd. Please state, if you can, when you parted with drainage warrants Nos. 115, 116, and 122, all dated on the 9th of July, 1875, copies of which are hereto annexed.

4th. Please state where said drainage warrants Nos. 115, 116, and 122 were on the 7th day of June, 1876, and who had the possession and control of them on that date, and whether you had the
408 possession or control of them at that date or not, either as owner or otherwise.

5th. Please state any other matter or thing that you may know in support of the claim of plaintiff as fully as if thereunto specially interrogated.

(Signed) ROBERT MOTT &
RICHARD DE GRAY,
Att'ys for Plaintiff.

Service accepted. Motion, affidavit, and notice to cross waived. New Orleans, Jan'y 25th, 1887.

(Signed) W. H. ROGERS, *City Att'y.*

CLERK'S OFFICE.

I certify the foregoing to be a true copy from the original record in this office.

Witness my hand and seal of said court, at the city of New Orleans, this 31st day of January, 1887.

(Signed) E. R. HUNT, *Clerk,*
[L. S.] By H. J. CARTER, *D'y Clerk.*

409 *Exhibits Annexed to Interrogatories.*

Drainage warrant.

No. 115. DEPARTMENT OF PUBLIC ACCOUNTS,
$2,000. NEW ORLEANS, *July 9th*, 1875.

To the administrator of finance, city of New Orleans:

Pay to the order of W. Van Norden, transferee of the Mississippi & Mexican Gulf Ship Canal Company, two thousand and $\frac{00}{100}$ dollars out of any funds in the city treasury to the credit of said company.

This warrant is issued in accordance with the provisions of act 30 of the session of the General Assembly of the State of Louisiana held in the year 1871, and the administrator of finance, on the presentation to him of this warrant, will pay the same in cash in case there be any funds in the city treasury to the credit of the said Mississippi and Mexican Gulf Ship Canal Company; but should there not be sufficient funds to cash this warrant, then the administrator of finance is required to endorse upon the same the date of its presentation, and this warrant shall bear interest at the rate of eight per cent. per annum from and after the date of such presentation and endorsement until paid.

Charge Mississippi and Mexican (N. C. S.) Gulf Ship Canal Company.

(Signed) J. G. BROWN,
Administrator of Public Accounts.

Presented for payment July 9, 1875.
(Signed) E. PILSBURY,
Administrator of Finance.

Endorsed.
(Signed) W. VAN NORDEN, *Transferee.*

409*a* *Drainage Warrant.*

No. 116. DEPARTMENT OF PUBLIC ACCOUNTS,
$2,000. NEW ORLEANS, *July 9th*, 1875.

To the administrator of finance, city of New Orleans:

Pay to the order of W. Van Norden, transferee of the Mississippi & Mexican Gulf Ship Canal Company, two thousand and $\frac{00}{100}$ dollars out of any funds in the city treasury to the credit of said company.

This warrant is issued in accordance with the provisions of act 30 of the session of the General Assembly of the State of Louisiana held in the year 1871, and the administrator of finance, on the presentation to him of this warrant, will pay the same in cash in case there be any funds in the city treasury to the credit of the said Mississippi and Mexican Gulf Ship Canal Company; but should there not be sufficient funds to cash this warrant, then the administrator of

finance is required to endorse upon the same the date of its presentation, and this warrant shall bear interest at the rate of eight per cent. per annum from and after the date of such presentation and endorsement until paid.

Charge Mississippi and Mexican (N. C. S.) Gulf Ship Canal Company.

(Signed) J. G. BROWN,
Administrator of Public Accounts.

Presented for payment July 9, 1875.
(Signed) E. PILSBURY,
Administrator of Finance.

Endorsed.
(Signed) W. VAN NORDEN, *Transferee.*

409*b* *Drainage Warrant.*

No. 122. DEPARTMENT OF PUBLIC ACCOUNTS,
$2,000. NEW ORLEANS, *July 9th*, 1875.

To the administrator of finance, city of New Orleans:

Pay to the order of W. Van Norden, transferee of the Mississippi & Mexican Gulf Ship Canal Company, two thousand and $\frac{}{100}$ dollars out of any funds in the city treasury to the credit of said company.

This warrant is issued in accordance with the provisions of act 30 of the session of the General Assembly of the State of Louisiana held in the year 1871, and the administrator of finance, on the presentation to him of this warrant, will pay the same in cash in case there be any funds in the city treasury to the credit of the said Mississippi and Mexican Gulf Ship Canal Company; but should there not be sufficient funds to cash this warrant, then the administrator of finance is required to endorse upon the same the date of its presentation, and this warrant shall bear interest at the rate of eight per cent. per annum from and after the date of such presentation and endorsement until paid.

Charge Mississippi and Mexican (N. C. S.) Gulf Ship Canal Company.

(Signed) J. G. BROWN,
Administrator of Public Accounts.

Presented for payment July 9, 1875.
(Signed) E. PILSBURY,
Administrator of Finance.

Endorsed.
(Signed) W. VAN NORDEN, *Transferee.*

[Endorsed:] No. 10810.

410 Acts No. 73 of 1872 and No. 16 of 1876 to be found in printed laws and reports, as per stipulation on file.

37. *Ordinance No.* 3479, *A. S.*

MAYORALTY OF NEW ORLEANS,
CITY HALL, *April* 26, 1876.

(No. 3479, administration series.)

Be it ordained, That in accordance with act No. 16, approved February 24, 1876, Thomas S. Hardee, city surveyor, be, and is hereby, authorized and instructed to make a thorough examination of the condition and value of all the dredge-boats, machinery, tools, and appurtenances belonging to the Mississippi and Mexican Gulf Ship Canal Company or transferee and used for the excavations of canals or building protection levees, making a report to the committee of the whole, together with a statement of all information in the possession of his office concerning damages claimed by the said Mississippi and Mexican Gulf Ship Canal Company or transferee thereof.

Adopted by the council of the city of New Orleans April 25, 1876.

CHARLES J. LEEDS, *Mayor.*

A true copy.

D. H. HARDY, *Secretary.*

411 38. *Copy of Inventory of Effects Mississippi & Mexican Gulf Ship Canal Company, Marked Inventory* 1.

Copy of the inventory of the effects of the Miss. and Mexican Gulf Ship Canal Co. transferred to the city of New Orleans, as on file in the office of the city surveyor.

CITY SURVEYOR'S OFFICE, ROOM 19,
CITY HALL, *May* 1, 1876.

To the hon. mayor and administrators of the city of New Orleans:

In conformity with instructions conveyed in an ordinance recently adopted by the city council, I have made a careful and thorough examination of the property mentioned and represented by W. Van Norden, transferee of the Mississippi and Mexican Gulf Ship Canal Company, and herewith have the honor to submit a report showing the condition and approximate value of the same, together with such other information as I have been directed to furnish under the requirements of said ordinance.

The property examined consists of—

7 dredge-boats.
11 derricks.
1 steam-tug.
1 barge for floating derricks.
1 floating boarding-house.
1 lot of buildings at Half-Way House.

412 1 assortment of large and small castings, etc., for dredge-boat machinery.

Dredge-boat No. 1.

Dredge-boat No. 1 is now lying in Upper Line protection levee canal, near Carrollton, and has not been provided with work for over five months.

It is 70 ft. long and 30 feet wide. The capacity of dipper is 1¼ cubic yards at each lift, and the average capacity for excavating per month is 12,500 cubic yards. The hull is six years old and shows a little leakiness near foot of iron mast, but is still in serviceable condition, and the engine, boiler, and other machinery is in good working order. The boat has an upper deck, with serviceable sleeping and boarding accommodations for a full complement of mechanics and laborers, and all in good order.

The machinery of the derrick accompanying this boat is now stored upon the deck of the dredge, the frame having rotted and been abandoned.

The machinery, however, is in good order, and would be ready for service as soon as a new frame could be constructed. The original cost of the dredge was $25,000 and the derrick $5,000.

Dredge-boat No. 3.

Dredge-boat is now actively at work in excavating the Lower Line protection levee canal at a point about one mile south and east of its intersection with the Mobile railroad.

It is 70 ft. in length and 30 ft. in width. The capacity of dipper is 1¼ cubic yards to the lift and the average capacity for excavating is about 12,500 cubic yards per month. The hull is six years
413 old, with but slight apparent leaks, and has been recently repaired with a new floor on lower deck. It has an upper deck, with suitable sleeping and boarding accommodations for a full complement of mechanics and laborers, and all in good order. This boat has been constantly at work and has suffered no delay, except for a short period, when difficulties were encountered in crossing the track of the Mobile railroad. The machinery is all in good and serviceable working order, as well as that of the derrick accompanying it. The original cost of the dredge was $25,000 and the derrick $5,000.

Dredge-boat No. 2.

Dredge-boat No. 2 is now engaged in following boat No. 3 in deepening the Lower Line canal and is now located near the crossing of the Mobile railroad. The length is 70 ft. and the width 30 ft. The capacity of dipper is 1¼ cubic yards to the lift and average capacity per month 12,500 cubic yards.

The hull is six years old, showing no leaks, and in good working condition. It has an upper deck, with suitable sleeping and boarding accommodations for a full complement of mechanics and laborers, and all in good order. The boat has been laid up for several months, a portion of the time undergoing repairs, and only recently resumed work in deepening the canal behind boat No. 3. The entire machinery of the boat, together with that of the accompanying der-

ricks, is in good order and capable of doing effective work. The original cost of the dredge was $25,000 and the derrick $5,000.

Dredge-boat No. 4.

414 Dredge-boat No. 4 is now lying alongside of boat No. 1 in Upper Line protection levee canal, near Carrollton, and has not been provided with work for more than five months. It is 70 ft. long and 30 ft. wide. The capacity of dipper is 1¼ cubic yards, and the average capacity for dredging about 12,500 cubic yards per month. The hull is six years old, presents no signs of leaking, and the whole in serviceable order. It has an upper deck, with suitable sleeping and boarding accommodations for a full complement of mechanics and laborers, and all in good order. The derrick accompanying this boat had a new frame built about eighteen months ago, and the machinery, together with that of the main boat, is in good order and ready for any work to which it may be assigned. The original cost of the dredge was $25,000 and the derrick $5,000.

Dredge-boat J. O. Noyes.

The dredge-boat J. O. Noyes is located at the same point in Upper Line canal with boats Nos. 1 and 4, and has been idle for four months.

It is 62 ft. long and 19 ft. wide. The capacity of dipper is one cubic yard, and average capacity of boat for dredging work about 6,000 cubic yards per month.

The hull is three years old, perfectly sound and free of leaks, and has an upper deck, with suitable accommodations for all workmen.

The machinery is in good order and the boat is ready for active service. The original cost of the dredge was $25,000.

Dredge-boat Clam Shell.

415 The Clam Shell is now lying at the Lower Line canal, adjacent to the Gentilly Ridge road crossing, and has been idle for several months.

It is 65 ft. long and 30 ft. wide. The hull is 6 years old and shows a few leaks, but nothing serious. The boat was constructed under a patent for a new dipper and other royalty appliances, and is therefore the most costly of all the boats. The dipper resembles a clam shell, from which the boat derives it name, and is capable of performing an immense amount of work in cleaning and deepening old canals or taking out the border cuttings of new canals. The capacity of the boat is about 15,000 cubic yards per month when provided with suitable work or soft digging. The machinery is in good order and condition and the boat ready for active service. It has also an upper deck provided with suitable accommodations for all mechanics and laborers, and everything about it in fair condition. The original cost of the boat and outfit was $40,000.

Dredge called Ridge Boat.

The Ridge Boat is now lying in the London-avenue canal, or Tail race, near the London-avenue draining-machine, and has been idle for four months. It is 83 ft. in length and 30 feet in width. The capacity of dipper is one cubic yard and average capacity for excavating per month 6,000 cubic yards. The boat was purchased from the city by the canal company and a new hull built about five years ago. It was furnished with a new boiler and water pumps, and the entire machinery and hull is now in good and serviceable working order. It has, like all the others, an upper deck, etc. The cost of the dredge, including the new hull, etc., was $18,000.

416 Steam-tug.

The steam-tug is used as a transport for conveying pieces of machinery and supplies from the central depot at Half-Way House to the different boats when required. It is several years old, and when new cost about $2,000. It is in serviceable order.

Barge for floating derricks.

The barge for floating derricks is now lying with the boats tied up in the Upper Line canal, and is 60 ft. long and 31 feet wide. The hull is in good order and no leakage visible. The original cost was about $1,000.

Floating boarding-house.

The floating boarding-house is 28 ft. in length and 14 ft. wide. It containg a stove, cook-room, store-room, with sleeping-berths, and dining-hall, and has a good shingle roof. The hull is in good condition, with no apparent leaks. It cost to build about $500.

Buildings at Half-Way House.

These buildings are located on the east bank of the new canal opposite the Half-Way House, and serve as a central depot for the distribution of machinery and supplies and for making repairs.

They consist of a frame house used as a store-room and office, one blacksmith shop with tools and appurtenances, a carpenter's shed, and out-buildings and cisterns, etc.

The ground upon which they are built was leased from the "Firemen's Charitable Association," but the lease is about
417 expiring and will have to be renewed or the buildings removed. The original cost of improvements was about $1,500.

Assortment of castings, etc.

This assortment comprises various castings, both large and small, as duplicates to the different parts of the dredge-boat machinery, and they are all stored at the central depot near the Half-Way House. Some of the principal pieces are, viz.

1 heavy cast-iron mainmast.
2 do. topmasts.

Hoisting and swinging drums.

Duplicate cog wheels, various sizes.

A quantity of small castings representing duplicates for almost every part of the machinery in use. The original cost of this assortment of iron-work was about $5,000.

Valuation.

In estimating the value of the property above enunciated, and especially that of the dredge-boats, I have been confronted with grave difficulties in determining exactly how the valuation should be made.

A dredge-boat is something which really has no true market value at all times corresponding with its actual cost. Therefore it can only be deemed valuable in proportion to the amount of profitable work it may have the prospect of executing in a fixed period of time. In the hands of the present owner, who has by law a specific and valuable contract to execute, or in the contemplated possession and use by the city, the dredge-boats would certainly possess a positive usefulness and consequently have some fixed or definite value.

418 Governed by this view of the case, the conclusion has been reached that it would be just and equitable to make a valuation on the basis of the actual or original cost of the property, but with a deduction of 25 per cent. as an offset for wear and tear from deterioration by age. The following result has therefore been attained and is respectfully submitted:

Dredge-boat No. 1, original cost	$25,000
2,	25,000
3,	25,000
4,	25,000
Dredge-boat "J. O. Noyes," original cost	17,000
Dredge-boat "Clam Shell," original cost	40,000
Total	$157,000
Dredge-boat Ridge Boat, original cost	$18,000
Derrick of No. 1,	5,000
2,	5,000
3,	5,000
4,	5,000
Steam-tug	2,000
Floating boarding-house	500
Buildings at Half-Way House	1,500
Floating barge for derrick	1,000
Various castings, etc., for machinery	5,000
Making a total of	$205,000
Less 25%	51,250
Leaving a balance for valuation of entire property	$153,750

419 Damages claimed.

The damages claimed by the transferee are for delays at various times and places, and are enumerated according to the statement as follows, viz:

Delay on Lake Shore protection levee (1872), 80,000 cubic yards; delay in crossing Jackson R. R. (1873), 24,000 cu. yds.; delay in crossing Mobile R. R. (1875), 68,000 cu. yds.; dredge-boats idle, not supplied with work (1875 & 1876), 190,000 cu. yds., making a total of 362,000 cu. yds.

It is claimed by the transferee that without the delays above enumerated the boats would have executed and he would have examined an estimate of 362,000 cubic yards in excess of what has been returned from this office, and that the estimate is made in cubic yards for the purpose of determining by an allowance of what the work would have cost what the probable profits would have been, and consequently the damages sustained. From an examination made of the records in this office, and from personal knowledge of the facts of the situation, I am of the opinion that the claim presented is excessive and is susceptible of very considerable deduction. A communication has been found in the letter book, under date of Aug. 15th, 1872, from Wm. H. Bell, city surveyor, to J. C. Noyes, notifying him, by direction of the administrators of improvements, not to commence excavations for Lake levee until a certain piece of planking and timber work adjacent was completed. It is claimed
420 that this notification delayed the boats, which were then ready to commence work, and that the delay was equivalent to the performance of 80,000 cubic yards of embankment; but I can find nothing further in the records to show exactly how many days the boats were idle in consequence of this notification, and therefore I am not prepared to recognize any specific amount for this claim.

The delay in crossing Jackson railroad may be a just claim, but there are no records in this office showing any negligence or unnecessary action on the part of the city authorities or of the railroad Co. in hindering the prosecution of the work, and I am not prepared in this case either to admit or dispute the claim until competent evidence is produced to establish it.

The claim for damages in crossing the Mobile R. R. cannot be justly established, as by a compromise effected between the city, the railroad company, and the transferee the question of damages was adjusted beforehand and allowance made in drainage warrants to the transferee for that purpose.

The item of 190,000 cubic yards for delays in boats not being supplied with work during the latter months of 1875 and up to the present time of 1876 is subject to certain modifications from statements and explanations hereinafter to be made.

The boats that have been idle up to the 1st May inst. are, viz:

Boat No. 1, 5½ months.
4, do.
J. C. Noyes, 4 months.
Ridge Boat, 4 "
Clam Shell, 4 "

Of the above boats the only ones entitled to a consideration
421 for damages are No. "1," "4," and the "Clam Shell." These boats finished the interior work they were engaged upon last November and were ready to proceed with the excavations for the Lake Shore revetment levee, but were prevented from so doing by the refusal of the city authorities to allow the city surveyor to furnish the necessary lines and levels.

The J. O. Noyes was withdrawn from the Nashville Avenue canal and tied up without the knowledge or consent of this department, and therefore is entitled to no consideration or damages for her idleness. The Ridge Boat also is entitled to no consideration, as work was provided for it but not accepted. The only boats, therefore, for which an assessment for damages can be entertained are No. 1, No. 4, and the Clam Shell, and I have deemed that the most equitable way to arrive at a conclusion is to make an abstract from the records of what these several boats earned in a certain period immediately anterior to being stopped, and accept this as a fair estimate of what they would have earned and been entitled to in cubic yards for the whole period of their delay.

		C. yds.
Boat No. 1, 5½ months, at	12,720 yds. p'r mo.	69,960
4, 5½	12,350	67,925
Clam Shell, 4	2,890	11,560
Making a total of		149,445 cubic yards.

As far as the actual damages are concerned in money I am not able to arrive at a conclusion and do not feel myself called upon to express an opinion, but with the facts before you and the
422 suggestions which have been made there will no doubt be sufficient data for the committee to be enabled to arrive at something like a just and satisfactory conclusion in the premises.

Respectfully submitted.

(Signed) THOMAS S. HARDEE,
City Surveyor.

39. *Ordinance No.* 3539, *A. S.*

MAYORALTY OF NEW ORLEANS,
CITY HALL, *May* 26, 1876.

(No. 3539, administration series.)

Be it ordained, That the mayor be, and he is hereby, authorized and instructed to enter into notarial agreement with the Mississippi and Mexican Gulf Ship Canal Company or transferee for the purchase of all dredge-boats, derricks, parts of machinery, and property of every description belonging to the Mississippi and Mexican Gulf Ship Canal Company or transferee and used for the excavation of drainage canals or construction of protection levees, as per inventory of the city surveyor; also for the full settlement of all

claims for damages and to secure the absolute sale, relinquishment, and transfer to the city of New Orleans of all rights, privileges, and franchises created, authorized, or arising in favor of the Mississippi and Mexican Gulf Ship Canal Company and transferee under and by virtue of act No. 30 of 1871 or under and by virtue of all other acts of the Legislature of the State of Louisiana or ordinances of the city of New Orleans and embodying the terms agreed upon between W. Van Norden and the committee of the whole.

423

Be it enacted, That upon the execution of the aforesaid notarial agreement the administrator of accounts be, and he is hereby, authorized and directed to warrant upon the administrator of finance for the sum of $300,000 in drainage warrants in full settlement, as above provided.

Adopted by the council of the city of New Orleans May 23rd, 1876.

Yeas—Bertoli, Brown, Bouny, Burke, Landry, McCarthy, Pilsbury.

CHARLES J. LEEDS, *Mayor.*

A true copy.

J. H. HARDY, *Secretary.*

40. *Bill of Sale and Transfer by the Mississippi & Mexican Gulf Ship Canal Company and W. Van Norden, Transferee, to City of New Orleans, Marked "Transfer 1."*

UNITED STATES OF AMERICA,

State of Louisiana,
Parish of Orleans,
City of New Orleans:

424

N. O., 7th June, 1876.

Sale of franchises No. —, Miss. & Mex. Gulf Ship Canal Co.
and
W. Van Norden, transferee, and individually, to the city of New Orleans.

Be it known that on the seventh day of the month of June, in the year of our Lord one thousand eight hundred and seventy-six, and of the Independence of — United States of America the one hundredth, before me, Gustave Le Gardeur, Jr., a notary public, duly commissioned and sworn, in and for the parish and city aforesaid, therein residing, and in the presence of the witnesses thereinafter named and undersigned—

Personally came and appeared—

1st. The Honorable Charles J. Leeds, mayor of the city of New Orleans, and herein duly authorized as such under and by virtue of ordinances Nos. 3479 and 3539, administration series, adopted by the council of the city of New Orleans, respectively, on the 25th day of April and 23rd day of May, 1876, and herein furthermore fully authorized under and by virtue of the provisions of act No. 16 of acts of 1876, approved February 24, 1876.

2nd. Messrs. John Mathers, Jr., and Samuel D. Moody, both of this city and herein acting, the former as president and the latter as secretary of the Mississippi and Mexican Gulf Ship Canal Company, a duly organized corporate body of this State, domiciled in this city, and herein acting in their said capacities under and by virtue of a resolution of the board of directors of the said Mississippi and Mexican Gulf Ship Canal Company adopted at their sitting
425 of the third day of June, 1876, a duly certified copy of which said resolution is hereto annexed for reference.

3rd. And Warner Van Norden, Esq., also of this city, herein acting in his own name individually, and also as transferee and pledgee of the said Mississippi and Mexican Gulf Ship Canal Company under and by virtue of an act passed before Andrew Hero, Jr., a notary public of this city, on the twenty-second day of May, 1872.

And the said Mississippi and Mexican Gulf Ship Canal Company, through its president and secretary aforesaid, and the said W. Van Norden, as transferee and pledgee of the said company by virtue of the aforecited act of the twenty-second day of May, 1872, before the said Andrew Hero, Jr., notary, declared that for the consideration and on the terms and conditions hereinafter set forth they do by these presents grant, bargain, sell, convey, transfer, assign, and set over, with full guarantee against all trouble, debts, mortgages, claims, evictions, donations, alienations, or other encumbrances whatsoever, unto the said city of New Orleans, the said Charles J. Leeds, as mayor aforesaid, accepting and purchasing for and in the name of the city of New Orleans under and by virtue of the authority in him vested by said ordinances Nos. 3479 and 3539, administration series, duly certified copies whereof are hereto annexed for reference, and also under and by virtue of the rights and powers conferred by said act No. 16 of the acts of 1876, and acknowledging due delivery and possession thereof—

All and singular the rights, title, interest, share, claim, demand, franchises, privileges, contracts, and advantages of every na-
426 ture and kind whatsoever which the said Mississippi and Mexican Gulf Ship Canal Company has or may have under and by virtue of act No. 30 of the Legislature of the State entitled "An act to provide for the drainage of New Orleans," passed at the session of 1871, and of all other acts of the Legislature of this State, and which the said W. Van Norden, as transferee and pledgee aforesaid, has or may have under and by virtue — aforecited act, passed on the twenty-second day of May, 1872, before the said Andrew Hero, Jr., notary.

And the said Van Norden, in his own name individually, declared that for the consideration and on the terms and conditions hereinafter set forth he does by these presents grant, bargain, sell, convey, transfer, assign, and set *forth* over, with a full guarantee against all trouble, debts, mortgages, claims, evictions, donations, alienations, or other encumbrances whatever, unto the said city of New Orleans, the said Chas. J. Leeds, as mayor aforesaid, accepting and purchasing for and in the name of the said city of New Orleans under and

by virtue of the authority in him vested by said ordinances Nos. 3479 and 3539, administration series, and also under and by virtue of the rights and powers conferred by said act No. 16 of the acts of 1876, and acknowledging due delivery and possession thereof—

All and singular the following-described dredge-boats and derricks, together with the machinery, engines, tackle, apparel, and appurtenances and all other necessaries thereto belonging, together with the hereinafter-mentioned articles and effects, to wit:

Dredge-boat No. 1, seventy feet long and thirty feet wide.

Dredge-boat No. 2, seventy feet long and thirty feet wide.

427 Dredge-boat No. 3, seventy feet long and thirty feet wide.

Dredge-boat No. 4, seventy feet long and thirty feet wide.

Dredge-boat styled the J. O. Noyes, sixty-two feet long and nineteen feet wide.

Dredge-boat styled "clam-shell dredge," sixty feet long and thirty feet wide.

Dredge-boat known as the ridge boat, eighty-three feet long and thirty feet wide.

Four derricks accompanying, respectively, dredge-boats Nos. 1, 2, 3, and 4.

One steam-tug, known as the Olive.

One barge for floating derricks.

One floating boarding-house.

One lot of buildings at half-way house.

One lot of large and small castings, machinery, one heavy cast-iron mainmast, two heavy cast-iron topmasts, hoisting and swinging drums, duplicate cog wheels, and various small castings, *and* etc., the whole more fully set forth in a detailed inventory on file in the office of the city surveyor.

The said Warner Van Norden in his own name is individually *is* the owner of the above-described dredge-boats, derricks, and other effects and articles for having acquired the same by purchase from the said Mississippi and Mexican Gulf Ship Canal Company by act passed before said A. Hero, Jr., on the twenty-second day of November, 1872.

To have and to hold the said rights, title, interest, share, claim, demand, franchises, privileges, contracts, and advantages of

428 the said Mississippi and Mexican Gulf Ship Canal Company and of the said W. Van Norden, as transferee and pledgee aforesaid, and the said dredge-boats, derricks, and other articles and effects above described unto the said city of New Orleans forever by virtue of these presents.

And the said Mississippi and Mexican Gulf Ship Canal Company, through its president and secretary aforesaid, and the said W. Van Norden, as transferee and pledgee aforesaid and in his own name individually, declared that they do, moreover, by these presents subrogate the city of New Orleans in and to all and singular the rights, actions, and remedies to which they are or may be entitled under and by virtue of the aforesaid act No. 30 of 1871 or of all other acts of the Legislature of this State and under and by virtue of the aforesaid acts passed before the said Andrew Hero, Jr., notary, respect-

ively, on the twenty-second day of May and twenty-second day of November, 1872, hereby authorizing the said city of New Orleans to exercise and enjoy the said rights, actions, and remedies in the same manner and to the same extent as it, the said Mississippi and Mexican Gulf Ship Canal Company, and the said W. Van Norden, as transferee and pledgee and in his own name individually, might or could have done.

The sale of the said rights, title, interest, share, claim, demand, franchises, privileges, contracts, and advantages by the said Mississippi and Mexican Gulf Ship Canal Company and the said W. Van Norden, as transferee and pledgee aforesaid, and the sale of the said dredge-boats, derricks, and other articles and effects by the said W. Van Norden in his own name individually are made and
429 accepted for and in consideration of the price and sum of three hundred thousand dollars ($300,000), payable in drainage warrants, and now the said J. Mathers, Jr., and S. D. Moody, in their respective capacities, and the said W. Van Norden, as transferee and pledgee aforesaid and in his own name individually, declared that they have covenanted and agreed and by these presents covenant and agree that the said sum of three hundred thousand dollars in drainage warrants shall be paid in full to the said W. Van Norden in consideration of the sales herein made and also in full settlement of all existing claims for damages which the said Mississippi and Mexican Gulf Ship Canal Company and the said W. Van Norden, as transferee and pledgee aforesaid and in his own name individually, ever had or have now or may have against the said city of New Orleans, and the said Mississippi and Mexican Gulf Ship Canal Company, through its president and secretary aforesaid, does, moreover, by these presents fully authorize the said city of New Orleans to pay said sum of three hundred thousand dollars in drainage warrants to the said W. Van Norden.

And now to these presents personally came and appeared the Honorable John G. Brown, administrator of accounts of the city of New Orleans, who, by virtue of the authority in him vested by said ordinance No. 3539, administration series, and of the rights and powers conferred by said act No. 16 of acts of 1876, and with the consent of the said Mississippi and Mexican Gulf Ship Canal Company, as is hereby declared and acknowledged by the said J. Mathers, Jr., and S. D. Moody in their respective capacities and for and in the name of the said company, has personally and
430 in the presence of notary and witnesses undersigned handed over and delivered the same sum of three hundred thousand dollars ($300,000) in drainage warrants to the said W. Van Norden, who, as transferee and pledgee aforesaid and in his own name individually, with the full and entire consent of the said Mississippi and Mexican Gulf Ship Canal Company, as is hereby declared and acknowledged by the said J. Mathers, Jr., and S. D. Moody in their respective capacities and for and in the name of said company, hereby acknowledges receipt of the same.

And now, for the purpose of providing for the payment of the drainage warrants issued under and by virtue of these presents and

of all other drainage warrants heretofore issued and outstanding, the said city of New Orleans, through its mayor aforesaid, the said Mississippi and Mexican Gulf Ship Canal Company, through its president and secretary aforesaid, and the said Warner Van Norden, as transferee and pledgee aforesaid and in his own name individually, do by these presents covenant and agree that the existing rights and powers of the holders of drainage warrants under the several acts of the Legislature of this State relative to drainage and drainage assessments shall remain unimpaired, and that the drainage tax and assessments shall be administered, collected, and paid in the manner and under the terms and conditions, to wit:

The bureau of drainage collections shall be organized in the office of the city hall as follows, to wit:

A book-keeper, who shall be appointed by the city council and who shall keep such books and records and make such reports and perform such duties as may be required by the administrators
431 of finance and accounts. His salary shall not exceed two hundred dollars ($200) per month. Said office shall not in any manner obstruct or delay the business of the office. He shall be removable by the council, upon the complaint of the collector hereinafter provided for, for cause.

If desired by the said Van Norden, a duplicate set of books shall be made and placed subject to the use of the said collector. Until the drainage warrants issued by virtue of these presents in conformity *by* said ordinance No. 3539, administration series, and all other drainage warrants heretofore issued or outstanding shall be liquidated and paid, the collection of drainage assessments shall be assigned to an officer who shall be selected by the said W. Van Norden, and be confirmed by the city council.

Said officer shall give bond, with good and solvent security, in the sum of twenty-five thousand dollars ($25,000) for the prompt and faithful execution of the duties and powers provided by law for the collection of drainage assessments, and the prompt and efficient collection of the same, in accordance with law and the business of this office, shall be subject to the supervision of the administrator of finance and accounts. He shall receive a compensation in lieu of expenses of all kinds, including books, bills, stationery, legal services, costs of court, or clerk's hire, of three hundred dollars ($300) per month and two and a half per cent. commission on collection of drainage assessments, and shall make such monthly reports as may be required by the administrators of finance and accounts.

Said officer shall be continued in office until the liquida-
432 tion of the said drainage warrants issued by virtue of these presents or heretofore issued and now outstanding, and in case of death or resignation a successor shall be chosen, as above provided for.

No receipt of the said collector for drainage assessments shall be valid unless countersigned by the administrator of finance. The city council shall have the right to remove the said collector for good and sufficient cause, and a successor shall be appointed as hereinabove provided.

All fees and charges incurred in the collection of drainage assessments shall be paid out of the drainage fund. All suits and judicial process and writs relating to or appertaining to the drainage assessments and taxes shall be continued as heretofore controlled by the city council, and be conducted by the city attorney, but all writs of *fieri facias* to be used as required by law and the judgments of the courts. All parties owing drainage assessments shall have the right to pay the same in drainage warrants at their face value and interest thereon; and the said collector and administrator of finance shall receive the same in satisfaction of all drainage assessments.

All parties owing drainage assessments in the fourth drainage district shall be entitled upon the prompt payment of the four-tenths of the whole assessment to an extension of time for the payment of the remaining six instalments. The said six instalments shall be paid yearly, as prescribed by an ordinance already adopted by the city council.

And now the said mayor, Chas. J. Leeds, hereby promises for or binds and obligates the city of New Orleans after the date of
433 these presents to issue no drainage warrants other than those issued by virtue of these presents, in conformity with said ordinance No. 3539, administration series, and such other drainage warrants as may now be issued and outstanding until said warrants have been duly liquidated and paid, and not to obstruct or impede, but, on the contrary, to facilitate by all lawful means, the collection of drainage assessments as provided by law until said warrants have been fully paid, it being well understood and agreed by and between the said parties hereto that collection of drainage assessments shall not be diverted from the liquidation of said warrants and payment of expenses as hereinbefore provided for under any pretext whatever until the full and final payment of the same; and it is moreover well understood and agreed by and between the said parties hereto that all work heretofore done by said W. Van Norden not certified shall be measured by the city surveyor, and the same shall be paid for in drainage warrants in the usual forms, and that, inasmuch as it has been claimed that certain collections of drainage funds have been applied by the previous administrations to general fund purposes, the said city of New Orleans will issue to the said Warner Van Norden the sum of twenty thousand dollars ($20,000) in drainage warrants in full satisfaction of the same.

And now by virtue of the foregoing the said Mississippi and Mexican Gulf Ship Canal Company, through its president and secretary aforesaid, and the said Warner Van Norden, as transferee and pledgee aforesaid and in his own name, individually declared that they do by these presents remise, release, and forever
434 discharge the said city of New Orleans from and against any and all claims and demands of every nature and kind whatsoever which they ever had or have now or may have against the said city of New Orleans.

And it is moreover well understood, covenanted, and agreed that the said Mississippi and Mexican Gulf Ship Canal Company and the said W. Van Norden, individually and as transferee and pledgee

aforesaid, shall and will at all times protect the said city of New Orleans against and save it harmless from any and all claims and demands of every nature and kind whatsoever which may have been, can now be, or may hereafter be set up against the said city of New Orleans or against them or either of them in reference to drainage work or arising out of their connection with the drainage of the city or in any manner pertaining or relating to their acts, rights, franchises, — privileges under said act No. 30 of 1871, or in reference to the said dredge-boats, derricks, and other articles and effects: Provided, however, That the guarantee herein set forth shall not be considered as extending any further than to warrant the city of New Orleans in the title of the boats and property herein transferred to it by said W. Van Norden and to save and indemnify it, the said city of New Orleans, from any loss, injury, or damage arising from the acts and conduct of the said Mississippi and Mexican Gulf Ship Canal Company or the said W. Van Norden in reference to or arising from other connection with the drainage works herein referred to.

Thus done and passed at New Orleans, in my office, the day, month, and year first above written, in the presence of Armand Pitot, Jr., and Gustave M. Letellier, competent witnesses, who
435 have signed these presents with the said parties and me, notary, after reading the whole.

(Original signed) CHAS. J. LEEDS, *Mayor.*
J. MATHERS, JR., *President.*
S. D. MOODY, *Secretary.*
J. G. BROWN,
Adm'r Pub. Acts.
W. VAN NORDEN.
G. M. LETTELLIER.

A. PITOT, JR.

G. LE GARDEUR, *Not. Pub.*

Registered in Conveyance B'k 108, fo. 484.
New Orleans, June 7th, 1876.
(Signed) C. B. FISH, *Reg.*

A true copy of the original on and of record in my office.
New Orleans, June 9th, 1876.
(Signed) G. LE GARDEUR, *Not. Pub.*

41. *Certified Copy of the Recording of the Judgment of Mortgage Lien and Privilege in First Draining District, &c.*

STATE OF LOUISIANA:

Third District Court, New Orleans.

436 In the matter of the commissioners of the first draining district praying for a decree of mortgage and privilege, &c.

No. 16269.

It is ordered, adjudged, and decreed that each portion of the prop-

erty situated within the limits of the parish of Orleans, within the first draining district, viz., beginning at the Mississippi river at Julia street, following said street to the canal of the canal & banking company, following said canal as far as Lake Pontchartrain, along said lake to Bayou St. John, following said bayou to Canal Carondelet, along said canal to St. Peter street, along St. Peter St. to the River Mississippi, and following the bank of said river to the starting point, be, and the same is hereby, subjected to a first-mortgage lien and privilege in favor of said board of commissioners of the first draining district for such amount as may be assessed on it for its proportion of the whole cost of the drainage of said section, together with interest thereon at the rate of 6% per annum from demand until final payment.

New Orleans, April seventeenth, 1872.

C. DUCANTEL, *D'y.*

I, the undersigned, recorder of mortgages in and for the parish of Orleans, State of Louisiana, do hereby certify that the above and foregoing is a true and correct transcript from the records of my office recorded in Book 104, folio 459, New Orleans, March twenty-seventh, 1888.

[L. S.] (Signed) EDWARD K. SKINNER, *R. M.*

437 Reinscribed from Book of Privileges No. 1, folio 391, by order of Rufus Waples, Esq.

Reinscribed in Book 178, fo. 681, at request of Frank N. Butler.

New Orleans, April 6th, 1882.

(Signed) GEO. GUINAULT, *D'y R.*

(41*a*.) *Homologation of Assessment-Roll, 1st Dist.*

Supreme Court of the State of Louisiana.

CLERK'S OFFICE, NEW ORLEANS, *1st December*, 1873.

No. 4338.

In the matter of the commissioners of the first draining district praying for the homologation of the assessment-roll, etc., etc.

Appeal from the second district court for the parish of Orleans.

Mr. Justice Howell delivered the opinion and decree of the court in the words and figures following, to wit:

It is therefore ordered that the judgment appealed from be reversed, and that the oppositions herein be dismissed at the costs of the opponents respectively; and it is further ordered that the assessment-roll herein, except that portion designated as Book No. 2 B on said roll, be, and is hereby, approved and homologated, and
438 this approval and homologation shall operate as a judgment against the property described, as assessed on said roll, and

also against the owner or owners thereof, with ten per cent. in addition to the amount assessed to pay costs and counsel fees.

9 February, 1879.

Mr. Justice HOWELL:

It is therefore ordered that the rehearing called for by the estate of Davidson be refused; and it is further ordered that our decree herein be amended by striking therefrom the phrase "except that portion designated as Book No. 2 B;" that the said portion of the assessment-roll be embraced in this judgment of homologation, and that as thus amended the said decree remain undisturbed.

CLERK'S OFFICE, NEW ORLEANS, 12 *May*, 1879.

A true copy.

ALF'D ROMAN, *Clerk.*

New Orleans, May twelfth, 1879.

J. G. RICHARDSON, *D'y R.*

I, the undersigned, recorder of mortgages in and for the parish of Orleans, State of Louisiana, do hereby certify that the above and foregoing is a true and correct transcript from the records of my office as recorded in Book 178, folios 25 and 26.

New Orleans, March twenty-seventh, 1888.

(Signed) E. K. SKINNER, *R. M.*

42. *Certified Copy of the Recording of Judgment of Mortgage Lien and Privilege in the Second Draining District, Parish of Orleans, &c.*

In the 3rd District Court of New Orleans.

439 No. 15846.

In the matter of the board of commissioners of the 2nd draining district praying for a decree of mortgage, &c.

Proof having been made of the publication and deposit of plans in the mortgage office of the parish of Orleans by the commissioners of the second draining district, agreeably to the provisions of the law, it is decreed that each portion of the property situated within the limits of the second draining district and lying within the parish of Orleans, *as* described in said advertisements as beginning at the Mississippi river, at the upper side of Julia street, therein following said Julia street to Mobile Landing, along said landing to Delord street and the upper side of the canal of the New Orleans Canal and Banking Company, following said canal to Lake Pontchartrain, along the shores of said lake to the line between the parishes of Orleans and Jefferson, following said parish line to the River Mississippi, and following the banks of said river to the starting point, be, and is hereby, subject to a first-mortgage lien and privilege in favor of said board of commissioners of the second draining district for such amount as may be assessed on it for its portion of the whole

cost of draining of said section, in accordance with the provisions of the statute by which said first-mortgage lien and privilege are created, with interest thereon at the rate of 6% per annum from demand thereof.

New Orleans, February 9th, 1861.

(Signed) LE DUVIGNEAUD, *Judge.*

Recorded eleventh April, 1861.

EMILE LA SERE, *Rec'd.*

440 New Orleans, December 12, 1871.

(Signed) C. DARCAUTEL, *D'y.*

Reinscribed from B. P. 1, fo. 370, December 12th, 1871, at the request of Rufus Waples, ass't city attorney.

I, the undersigned, recorder of mortgages in and for the parish of Orleans, State of Louisiana, do hereby certify that the above and foregoing is a true and correct transcript from the records of my office as recorded in Book 104, folio 283.

New Orleans, March twenty-seventh, 1888.

[L. S.] (Signed) EDWARD K. SKINNER, *R. M.*

42*a*. *Homologation of Assessment-Rolls, 2nd Draining District.*

STATE OF LOUISIANA:

Third District Court for the Parish of Orleans.

Present: The Hon. Chas. M. Emerson, judge.

Judgment rendered November 11th and signed November 16th, 1868.

No. 15846.

In the matter of the board of commissioners of the second draining district praying for homologation of assessment-roll, &c.

It is ordered, adjudged, and decreed that the report and as-
441 sessment-roll be approved and homologated, and to operate as a judgment against the property therein assessed and against the owner or owners thereof, with ten per centum in addition to the amount assessed for counsel fees and costs, all according to the act of the Legislature No. 57, approved March 14th, 1861.

New Orleans, June 1, 1870.

C. DARCAUTEL, *D'y.*

Recorded in Book 103, page 579, on the 1st day of June, 1870.

43. *Certified Copy of the Recorded Judgment of Mortgage Lien and Privilege in the Second Draining District for the Parish of Jefferson, &c.*

Decree of the 3d judicial district court, parish of Jefferson.

The petitioners, the board of commissioners of the second draining district, ask for a decree in accordance with an act of the Legislature, approved March 18th, 1858, "to provide for the leveeing, draining, and reclaiming swamp lands in certain portions of the parishes of Orleans and Jefferson," subjecting each portion of the property in said district within the parish of Jefferson to a first-mortgage lien and privilege in their favor for such amount
442 as may be assessed on it for its proportion of the whole cost of drainage. Several parties have filed oppositions to this application based on various grounds, only two of which it is necessary here to consider, as all others will more properly arise in another proceeding. These two are, first, the constitutionality of the statute, and, secondly, the observance of the formalities prescribed by the said statute.

The grounds of unconstitutionality urged herein have been distinctly passed upon in the case of the New Orleans Draining Company praying, &c., reported in 11 A., 338, in which similar provisions were sustained by the supreme court and the right to make an assessment for similar purposes declared to be legal and constitutional.

As to the second ground of opposition to be considered, it is admitted that the publications — according to law, but it is contended that the plans are defective in not showing correct subdivisions and the names of the proprietors.

The statute provides that "a plan" shall be made "accurately designating the limits of the section or district to be drained and, as far as possible, the subdivisions of the property therein contained and the names of the proprietors," &c. It is proof that books showing the subdivisions of squares into lots, containing the names of the proprietors and readily referable to the plans, were deposited with said plans as a part thereof and to supply the deficiency in that respect in the plans. These plans and books are said to designate the limits of the section to be drained and, as far as possible, the subdivisions of the property therein contained and the
443 names of the proprietors, and they therefore meet the requirements of the law antecedent to the decree sought by petitioners.

It is therefore ordered that the oppositions herein filed be dismissed with costs and without prejudice to the rights of parties not herein expressly passed on; and it is further ordered, adjudged, and decreed that each portion of the property situate within the limits of the second draining district and lying within the parish of Jefferson, and described in the advertisements and plans deposited by the commissioners of the second draining district in the office of the

parish recorder of said parish as beginning at the Mississippi river at the boundary line between the parishes of Orleans and Jefferson, along said boundary line to Lake Pontchartrain railroad, following said road to the River Mississippi, and following the banks of said river to the starting point, be, and is hereby, subject to a first-mortgage lien and privilege in favor of petitioners, the board of commissioners of the second draining district, for such amount as may be assessed upon said property for its proportion of the whole costs of draining said section, in accordance with the provisions of the statute creating said first-mortgage lien and privilege, with interest thereon at six per cent. per annum from demand thereof.

(Signed) R. K. HOWELL,
Judge of the 6th District Court of New Orleans,
Acting in the Place of Judge Berthe, Recused.

A true copy.
E. BUISSON, *Clerk.*

Parish of Jefferson, April 29th, 1861.
ERNEST COMMENGRE, *Recorder.*

444 Reinscribed in Book No. 26, folio 4, Dec'r 12th, 1871.

CLERK'S OFFICE, PARISH OF JEFFERSON.

I do hereby certify that the foregoing is a true and correct copy from Mortgage Book No. 20, folio 672; and I do further certify that said instrument was reinscribed in Mortgage Book No. 26, folios 4 and 5, on the 12th day of December, 1871.

In faith whereof — my hand and seal of office this 26th day of March, A. D. 1888.

[L. S.] (Signed) J. C. TELLOTSON, *D'y R.*

43*a*. *Homologation of Assessment-Roll 2nd Draining District, Parish of Jefferson.*

Second Judicial District Court.

No. 1938.

In the matter of the commissioners of the second draining district praying for homologation of tableau.

Judgment rend. March 15, 1869.
Signed 23d, "
D. A. PARDEE, *Judge.*

445 It is ordered, adjudged, and decreed that report be approved and homologated so far as not opposed, and the same to operate as a judgment against the property assessed or the owner or owners thereof, with 10% in addition to the amount assessed for costs of counsel fees and costs, according to the act of the Legislature.

Parish of Jefferson, 3d June, 1870.
(Signed) THOMAS McCORMACK, *Recorder.*

Reinscribed Feb. 5, 1879 (see Book 29, folio 14), by request of Sam'l T. Blanc, assistant city att'y, N. O.

CLERK'S OFFICE, PARISH OF JEFFERSON.

I do hereby certify that the foregoing is a true and correct copy from Judgment Book No. 5 of the parish of Jefferson, folio 96.

In faith whereof — my hand and seal, in the said parish, on the 26th day of March, A. D. 1888.

(Signed) J. C. TELLOTSON,
[L. S.] *D'y Clerk 26th Jud. Dist. Court.*

Second Judicial District Court.

No. 1938.

In the matter of the commissioners of the second draining dist. praying for homologation of tableau.

Judgment rend. M'ch 15, 1869.
Signed 23, "

D. A. PARDEE, *Judge.*

446 It is ordered, adjudged, and decreed report be approved and homologated so far as not opposed, and the — to operate as a judgment against the property assessed or the owner or the owners thereof, with 10% in addition to the amount assessed for costs of counsel fees and costs, according to the act of the Legislature.

Parish of Jefferson, 3rd of June, 1870.

(Signed) THOMAS McCORMACK, *Recorder.*

Reinscribed from Book of Judgments 5, folio 96.
Parish of Jefferson, February 3rd, 1879.

(Signed) J. M. LACY, *Recorder.*

CLERK'S OFFICE, PARISH OF JEFFERSON.

I do hereby certify that the foregoing is a true and correct copy from Mortgage Book Number 29, folio 14.

In faith whereof — my hand and seal this 25th day of March, 1888.

[L. S.] (Signed) J. C. TELLOTSON, *D'y R.*

44. *Certified Copy of Recorded Judgment of Mortgage Lien and Privilege in Third Draining District, &c.*

447 Eighth District Court of the Parish of Orleans.

No. 7482.

In the matter of the city of New Orleans praying for a decree of mortgage privilege, &c., upon the property of the third draining district.

Considering the law and the performance by the petitioners of the necessary preliminaries and duties therein required, it is ordered

adjudged, and decreed that each portion of the property situated within the limits of the third draining district in the parish of Orleans, and described in the advertisements and plans deposited by the city of New Orleans in the office of the recorder of mortgages of said parish as lying within the following limits, from the River Mississippi at St. Peter street, along the lower side of said street to the Canal Carondelet, following said canal to Bayou St. John; along said bayou to Lake Pontchartrain; along the shore of said lake to Lafayette avenue, following said avenue to the River Mississippi, and along the bank of said river to the starting point, — and is hereby subject to a first-mortgage lien and privilege in favor of the petitioner, the City of New Orleans, in the capacity described in said petition and in the law as the subrogee to all rights, powers, and facilities possessed and enjoyed theretofore by the board of commissioners of the third draining district, and of any corporation heretofore charged with the duty of draining and leveeing within the limits of said district, for such amount as may be assessed upon said property for its proportion of the whole cost of draining said district in accordance with the provisions of the statutes creating
448 said first-mortgage lien and privilege, with interest thereon at six per cent.

New Orleans, 4 May, 1872.
(Signed) HENRY C. DIBBLE, *Judge.*

New Orleans, May 11, 1872.
(Signed) C. DARCANTEL, *D'y.*

Reinscribed in Book 178, fo. 682, at the request of Frank N. Butler, New Orleans, April sixth, 1882.
(Signed) GEO. GUINAULT, *D'y.*

I, the undersigned recorder of mortgages in and for the parish of Orleans, State of Louisiana, do hereby certify that the above and foregoing is a true and correct transcript from the records of my office as recorded in Book 104, folio 500.

New Orleans, March twenty-seventh, 1888.
[L. S.] (Signed) EDWARD K. SKINNER, *R. M.*

44*a*. *Homologation of Assessment-Roll, Third District.*

STATE OF LOUISIANA:

Eighth District Court for the Parish of Orleans.

Present: Hon. Henry C. Dibble, judge.

Judgment rendered on the 8th and signed on the 13th November, 1872.

No. 7482.

449 In the matter of the city of New Orleans praying for a decree of mortgage privilege, &c., upon the property of the third draining district.

On motion of Rufus Waples, attorney for the petitioner in the

above-entitled case, on producing to the court due proof of the publication of the notice by the publication of the order of this court in the English and French languages twice a week during thirty days in the New Orleans Republican, a daily newspaper published in the city of New Orleans, to all persons interested to show cause why the assessment-roll filed by said petitioner should not be approved and homologated according to law, and on further suggesting that all legal requirements have been observed, and on further suggesting that he herewith files a certificate of the clerk of this honorable court showing that no opposition to the homologation of said assessment-rolls has been filed—

It is now ordered, adjudged, and decreed, the law and the evidence considered, that said assessment be, and is hereby, approved and homologated, and this approval and homologation shall operate as and is a judgment against the property described as assessed in said roll, and also against the owner or owners of each property respectively, with ten per centum in addition to the amount assessed for counsel fees and costs as provided by law, with interest at the rate of six per cent. per annum on each amount from date of the assessment thereof according to law.

New Orleans, December fourth, 1872.

(Signed) C. DARCAUTEL, *D'y.*

450 Reinscribed in Book 178, fo. 682, at the request of Frank N. Butler.

New Orleans, April sixth, 1882.

GEO. GUINAULT, *D'y.*

I, the undersigned, recorder of mortgages in and for the parish of Orleans, State of Louisiana, do hereby certify that the above and foregoing is a true and correct transcript from the records of my office as recorded in Book 104, fol. 691.

New Orleans, March twenty-seventh, 1888.

[L. s.] (Signed) EDWARD K. SKINNER, *R. M.*

45. *Certified Copy of Recorded Judgment of Mortgage Lien and Privilege in the Fourth Drainage District, with Certified Copy of Reinscription of Same, &c.*

Superior District Court for the Parish of Orleans.

No. 807.

In the matter of the board of administrators praying for recognition of mortgage and recovery of assessments in the fourth draining district.

On motion of Geo. S. Lacey, attorney for the board of administrators of the city of New Orleans and for said city acting herein for the purposes and objects provided by law, particularly act
451 No. 30 of the General Assembly of Louisiana, passed in the year 1871, and upon due proof of the facts and allegations set

forth and contained in the petition filed herein, more particularly the publication of notice in two public newspapers for the time and in the manner required by law, and the law and evidence authorizing the same—

It is ordered, adjudged, and decreed that each portion of the property situate within the fourth drainage district, bounded and described as follows, commencing on the left bank of the River Mississippi at the point of intersection with Lafayette avenue, thence continuing down the said river to the point of intersection with Fisherman's canal; thence running back from the said river a distance of 9,900 feet or thereabouts to Bayou Bienvenue and Florida Walk for a distance of 15,914 feet or thereabouts, so as to connect through a curved line of 338 feet additional with Lafayette and People's avenues at a distance from the Mississippi river of 9,600 feet or thereabouts, and thence along Lafayette avenue to the place of beginning, —, and the same is hereby, subject to a first-mortgage lien and privilege in favor of petitioners, the city of New Orleans and the board of administrators of said city, for such amount as is or may be assessed upon said property for its proportion of the whole costs and expenses of draining the aforesaid district in accordance with the law, and particularly act No. 30, above referred to, in such case made and provided, creating and continuing said first-mortgage lien and privilege, with interest thereon, at six per cent. per annum, from demand thereof.

Rendered January 29, 1873. Signed February 3, 1873.

(Signed) JACOB HAWKINS, *Judge.*

452 *Clerk's Certificate.*

I hereby certify that the foregoing do contain a true and correct copy of the original judgment rendered on the 29th of January, 1873, and signed on the 3rd day of February, 1873, in the matter of the board of administrators praying for recognition of mortgage and recovery of assessments in the 4th drainage district and numbered 807 of the docket of the late superior dist. court for the parish of Orleans and No. 6099 of the docket of this court.

In testimony whereof I have hereunto set my hand and affixed the seal of the civil district court for the parish of Orleans this 20th day of January, 1883.

(Signed) E. A. LUMINAIS, *D'y Cl'k.*

New Orleans, January twentieth, 1883.

H. A. AUTZ, *Clerk.*
EUGENE MAY, *Rec.*

I, the undersigned, recorder of mortgages in and for the parish of Orleans, State of Louisiana, do hereby certify that the above and foregoing transcript from the records of my office as recorded in Book 180, folios 700 and 701, —.

New Orleans, March twenty-seventh, 1888.

[L. S.] (Signed) EDWARD K. SKINNER, *R. M.*

Mortgage Lien and Privilege, 4th Dist.

STATE OF LOUISIANA:

Superior District Court for the Parish of Orleans.

453 Present: Hon. Jacob Hawkins, judge.
Judgment rendered January 29th and signed February 3, 1873.

No. 807.

In the matter of the board of administrators praying for recognition of mortgage and recovery of assessments in the fourth draining district.

It is ordered, adjudged, and decreed that each portion of the property situate within the fourth draining district, bounded and described as follows, commencing on the left bank of the River Mississippi at the point of intersection with Lafayette avenue, thence continuing down said river to the point of intersection with Fisherman's canal; thence running back from said river a distance of 9,900 feet or thereabouts to Bayou Bienvenue and Florida Walk; thence continuing along Florida Walk for a distance of 15,914 feet or thereabouts, so as to connect through a curved line of 338 feet additional with the Lafayette and People's avenues at a point distant from the Mississippi river of 9,600 feet or thereabouts, and thence along Lafayette avenue to the place of beginning, "be, and the same is hereby, subject to a first-mortgage lien and privilege in favor of petitioners, the city of New Orleans and the said administrators of said city, for such amount as is or may be assessed upon said property for its proportion of the whole costs and expenses of draining the aforesaid district in accordance with the law, and particularly act No. 30, above referred to, in such case made and provided, creating and continuing said first-mortgage lien and privilege,
454 with interest thereon at the rate of six per cent. per annum from demand thereof.

(The act referred to in the preamble of this judgment being act No. 30 of the General Assembly of La., passed in the year 1871.)

New Orleans, February eighth, 1873.

(Signed) C. DARCANTEL, *D'y.*

I, the undersigned, recorder of mortgages in and for the parish of Orleans, State of Louisiana, do hereby certify that the above and foregoing is a true and correct transcript as recorded in my office in Book 104, folio 775.

New Orleans, March twenty-seventh, 1888.

(Signed) EDWARD K. SKINNER, *R. M.*

45*a*. *Homologation of Assessment-Roll, 4th Dist.*

No. 807.

In the matter of the board of administrators praying for a recognition and recovery of assessment in the 4th draining district.

STATE OF LOUISIANA:

Superior District Court for the Parish of Orleans.

Judgment rendered March 15, 1873.
Judgment signed March 20, 1873.
Present: Jacob Hawkins, judge.

It is hereby ordered, adjudged, and decreed that the assessment-roll or tableau aforesaid embracing the property lying within the 4th
455 drainage district of the city of New Orleans, comprised within the following limits, viz., commencing on the left bank of the River Mississippi at a point of intersection with Lafayette avenue, thence continuing down said river to the point of intersection with Fisherman's canal; thence running back from said river a distance of 9,900 feet or thereabouts to Bayou Bienvenue and Florida Walk; thence continuing along Florida Walk for a distance of 15,914 feet or thereabouts, so as to connect through a curved line of 338 feet additional with Lafayette and People's avenue at a point distant from the Mississippi river of 9,600 feet or thereabouts, and thence along Lafayette avenue to the place of beginning, be, and the same is hereby, homologated and approved; and, in addition thereto, judgment is now rendered in favor of the city of New Orleans and of the board of administrators of said city, jointly and severally, for account of the several parties and for the uses and purposes designated and provided for by law and against the several pieces of property set forth or described in tableau or assessment-roll and the respective owners thereof, known and unknown, for the amount or amounts therein set forth against said property or the owners thereof, together with interest at the rate of 6 % per annum from the 30th day of January, A. D. 1873; also 10 % upon and in addition to the amount above allowed for principal and interest as fees of the attorney herein named, together with such costs as may have accrued or may accrue in the prosecution of these proceedings.

And it is further ordered, adjudged, and decreed that the mortgage and lien heretofore declared by an order or judgment of this court be, and the same is hereby, recognized and confirmed, and the
456 city of New Orleans and the board of administrators for the uses and purposes required by law and any and all parties having any interest in this judgment as therein set forth are hereby declared to have a mortgage and lien on the several pieces of property mentioned and described in the assessment-roll or tableau herein referred to and homologated for the payment and satisfac-

tion of this judgment, principal, interest, attorney's commissions, and costs.

New Orleans, April seventh, 1873.

C. DARCANTEL, *D'y.*

I, the undersigned, recorder of mortgages in and for the parish of Orleans, State of Louisiana, do hereby certify that the above and foregoing is a true and correct transcript from the records of my office as recorded in my office in Book 105, folio 77.

New Orleans, March twenty-seventh, 1888.

(Signed) EDWARD K. SKINNER,
[L. S.] *R. M.*

45a. *Homologation of Assessment, 4th District.*

Superior District Court for the Parish of Orleans.

No. 807.

In the matter of the board of administrators praying for a recognition of mortgage and recovery of assessments in the 4th draining district.

This cause was duly taken up for the purpose of homologating the tableau of assessments filed herein on the twenty-
457 seventh day of January, A. D. 1873, so far as not opposed, viz., Widow Lesseps, Allen Soulie, Bernard Soulie, heirs of Norbert Soulie, and Frank N. Butler, attorney *ad hoc*—present, George S. Lacy, att'y for board of administrators, etc.—

When, after hearing evidence and the argument of counsel and the law and the evidence authorizing the same, it is ordered, adjudged, and decreed that the assessment-roll or tableau aforesaid embracing the property lying within the fourth drainage district of the city of New Orleans comprised within the following limits, viz., commencing on the left bank of the River Mississippi at a point of intersection with Lafayette avenue, thence continuing down said river to the point of intersection with Fisherman's canal, thence running back from the said river a distance of 9,900 feet or thereabouts to Bayou Bienvenue and Florida Walk for a distance of 15,914 feet or thereabouts, so as to connect through a curved line of 338 feet additional with Lafayette and People's avenues at a point distant from the Mississippi river *of* 9,600 feet or thereabouts, and thence along Lafayette avenue to the place of beginning, be, and the same is hereby, homologated and approved. In addition thereto judgment is now rendered in favor of the city of New Orleans and of the board of administrators of said city, jointly and severally, for account of the several parties and for uses and purposes designated and provided for by law, and against the several pieces of property set forth or described in such tableau or assessment-roll and the respective owners thereof, known or
458 unknown, for the amount or amounts therein set forth against said property or the owner thereof, together with the interest,

at the rate of six per cent. per annum, from the 30th day of January, A. D. 1873, and also ten per cent. upon and in addition to the amount above allowed for principal and interest as fees of the attorney herein named, together with such costs as may have accrued or may hereafter accrue in the prosecution of these proceedings.

And it is further ordered, adjudged, and decreed that the mortgage and lien heretofore declared by an order or judgment of this court be, and the same is hereby, recognized and confirmed, and the city of New Orleans and the board of administrators, for the uses and purposes required by law, and any and all parties having an interest in this judgment as therein set forth are hereby declared to have a mortgage and lien on the several pieces of property mentioned and described in the assessment-roll or tableau herein referred to and homologated for the payment and satisfaction of this judgment, principal, interest, attorney's commissioners, and costs.

Judgment rendered 15th March, 1873.

Signed March 20th, 1873.

(Signed) JACOB HAWKINS, *Judge.*

Clerk's Certificate.

I hereby certify that the foregoing four pages do contain a true and correct copy of the original judgment rendered on the 15th day of March, 1873, and signed on the 20th day of March, 1873, in the matter of the board of administrators praying for a recognition of mortgage and recovery of assessments in the 4th draining
459 district, and numbered 807 of the late superior district court for the parish of Orleans and No. 6099 of the docket of this court.

In testimony whereof I hereunto set my hand and affix the seal of the civil district court for the parish of Orleans this 20th day of January, 1883.

(Signed) E. A. LUMIŃAIS, *D'y Cl'k.*

New Orleans, January twentieth, 1883.

H. A. AUTZ, *Cl'k.*
EUGENE MAY, *Rec.*

I, the undersigned, recorder of mortgages in and for the parish of Orleans, State of Louisiana, do hereby certify that the above and foregoing is a true and correct transcript from the records of my office as recorded in Book 180, folios 700 and 701.

New Orleans, March twenty-seventh, 1888.

[L. S.] EDWARD K. SKINNER, *R. M.*

46. Admission stated in examiner's notes that the late W. H. Bell, late city surveyor, was dead at the time of the examination before said examiner. Copied at page 69 of this transcript.

47. *Certified Copy of Deposition of W. H. Bell, &c.*

460 Civil District Court.

HENRIETTE DAVIDSON *et al.*
vs.
CITY OF NEW ORLEANS. } No. 1306.

Testimony of Wm. H. Bell, Taken by Consent at His Residence January 29th, 1881.

Present: B. R. Forman, for plaintiff; F. N. Butler, for defendant.

WILLIAM H. BELL, sworn for defendant.

Examination-in-chief by Mr. BUTLER:

Q. What was your official position in the years 1871, 1872, 1873, and 1874?

A. I was city surveyor.

Q. When did you become city surveyor?

A. I was elected in 1867.

Q. How long did you continue to be city surveyor?

A. Until December, 1874.

Q. Do you know anything about the drainage system that was inaugurated after the year 1871?

A. Yes; under the State act.

Q. That is act No. 30 of the year 1871?

A. Yes, sir.

Q. Who planned the work under that act?

A. I was city surveyor and drew the plan for the work,
461 with the approval of the city council. It was submitted to the council and approved by them—the different lines and maps.

Q. Please look at this map and state what plan of drainage you drew for the work to be done under act No. 30 of 1871 (showing witness the map filed in evidence in this case).

A. There was to be an upper line protection levee, starting at the upper limits of Carrollton, running out along the line of the embankment of the New Orleans, Jefferson and Lake Pontchartrain railroad to the lake shore; that was generally called the Upper Line protection levee. Then the plan contemplated a protection levee along the lake shore eastward to People's avenue; thence in People's avenue to Florida Walk; thence along Florida Walk to Fisherman's canal; thence along Fisherman's canal to the Mississippi river; that constituted the outside or main protection levees and reservoir canals. Then a new canal was excavated from Metairie road through Orleans avenue to the lake shore in the first drainage district. Another canal was excavated through London avenue from Gentilly Ridge to the lake shore, and a number of old drainage canals in various parts of the city were widened and deepened, amounting in all to nearly twelve miles of old canals cleaned out and enlarged.

Q. Was the Upper Line protection levee and canal completed from the Mississippi river to the lake shore?

A. It was completed to within four or five squares of the Mississippi river from the lake shore.

Q. What was the width and depth of that canal called the Upper Line canal?

462 A. Its average width is about forty-five to fifty feet and its depth ten to twelve feet.

Q. What was the length of that canal and levee?

A. Well, taking these figures on the map, there is an interval here not figured and another interval not figured, but these lengths you can get at the city surveyor's office.

Q. Was that lake-shore protection levee completed in whole or in part?

A. Two thousand two hundred feet was completed from the upper protection levee down to the new basin.

Q. Was the lower one or People's-avenue canal dug and a protection levee made there?

A. Yes; and part of it graded. The Upper Line canal and protection levee was all leveled and graded; the Lower Line canal along People's avenue was dug and a protection levee thrown up and partly graded. The eastern embankment on the Orleans canal, first section, was also graded.

Q. Do you know how many miles of canal and protection levees were actually dug and thrown up?

A. There was about twelve miles of new canals excavated and embankments thrown up and eleven to twelve miles of old canals widened and deepened. There was about twenty-four miles of canals that boats passed through. All these data you could get from the city surveyor's office.

Q. That was the plan contemplated to accomplish?

A. The drainage of all these lands amounting to twenty-six thousand acres.

463 Q. What would be the effect if that work was completed according to that plan?

A. It was to drain all the lands comprised within these levees and to do away with that swamp, and as a sanitary measure, if there never was a house built on those lands drained, *as a sanitary measure* the outlay would reimburse the city. My estimate was three millions of dollars, and as far as it went and as far as the work was accomplished I was within the limit.

Q. What proportion of the work has been accomplished?

A. Fully two-thirds. There remains but the portion along Florida Walk and up to Fisherman's canal, about 15,900 feet and 9,900 feet, and about three and a half miles of protection levee back of the first and third drainage sections on the lake shore.

Q. In case of a break in the Mississippi river—that is, in the levee above the city of New Orleans—is the work already done of any protection to this area of the city?

A. It was at the time when I had the levee built, but I understand the citizens have leveled down this levee and street. The

levee was built and graded, but I understand that lately citizens have made those cuts in the levee, but at the time when it was built it would have protected this lower portion of the city from any crevasse above.

Q. This protection levee, then, as it was built, was a protection levee from overflow in case of a crevasse above the city for the first, second, and third drainage sections?

464 A. Yes; it was called and designated the upper protection levee. It was built to protect the city from overflow from the lake, from the swamp water below, and from overflow above.

Q. These cuts made by citizens—could they be repaired?

A. Yes; it don't require much of a levee there. It don't take much time and expense to do that. The levee when built was a complete protection.

Q. Then I understand you to say that this Upper Line protection levee, the lake-shore levee, and the Lower Line levee would have the effect with the canals that have been built and were expected to be built—would have the effect to completely drain the whole area within these levees?

A. Yes; with the proper draining machines at the ends of the canals.

Q. Would it have the effect to drain the Allard place.

A. Yes; it would drain all within the limits.

Cross-examination by Mr. FORMAN:

Q. Is there not maintained at public expense a levee above the upper protection levee along the Mississippi river?

A. Yes, sir.

Q. Is there not a levee on each side of the new canal?

A. On one side there is, where the railroad is. On the shell-road side the tide overflows the shell road. I have seen an ordinary tide putting water over the shell road; a change of the wind sometimes would put water over the shell road, but where the railroad runs that has been put high enough to be a protection levee.

465 Q. How far down does the levee run along the banks of the new canal on either side?

A. This runs along the Metairie Ridge, where the double track of the city railroad is. That embankment was thrown up in widening the new canal, and when the city railroad company put their track on it they put it high enough to be above storm water.

Q. What is the difference in level of this levee and the protection levee?

A. The protection levee, I think, is two feet higher. The embankment where this railroad runs was put as high as the Orleans levee. Mr. Brown spoke to me about the grade, and I told him to get the grade at the park of the Orleans levee, but these outside embankments were put two feet higher on account of being exposed to seas.

Q. This embankment along the New Basin canal was not done by the Mississippi and Mexican Gulf Canal Company?

A. No; the embankment was thrown up by the lessee of the canal and the grading was done by the city railroad company.

Q. There was no protection levee built from the New Basin canal to the Bayou St. John at all. Is there not a levee and embankment along the Bayou St. John?

A. No; not from the lake to the Marigny canal; there are no embankments.

Q. Are there not natural banks higher than the surrounding land?

A. In spots, yes; but in high water it overflows. Where the dredges have been excavating they have thrown up ridges,
466 but you cannot call it a continuous levee.

Q. After act No. 30 of 1871 was passed was the plan of the board of commissioners of the first, second, and third drainage districts changed or were they pursued? Do you know what the plans were under the act of 1858?

A. Well, the plan of the first drainage district was got up by Beauregard. His plan was not followed.

Q. Then the plan of the commissioners of the first drainage district was not followed by the city under act No. 30 of 1871?

A. If he had built such a protection levee as Beauregard planned it would have been swept away. He had it to be made of planking and two or three feet out of water, and the seas would have swept it away. Any such embankment would have been a waste of money; therefore we did not adopt the board of commissioners' plan. Then his plan was a series of small canals and two sets of draining machines; but experience has shown that large machinery concentrated in one spot works better. Beauregard's plan was to have one machine here and another here, and three canals. The plan decided upon was to put large machinery at the lake.

Q. Has there been built by the city at the end of these canals any draining machines along the lake shore?

A. No; they put in one new wheel at the London-avenue canal, in the third drainage section.

Q. Were there any or are there any draining machines in the first draining section north of the Metairie ridge?

A. No, sir; that was not contemplated in the drainage act;
467 that was for the city to do outside of that act.

Q. Has there ever been contemplated in the first drainage section canals and draining machines adequate to drain the lands north of the Metairie ridge?

A. About two-thirds of the canal system is completed.

Q. Answer my question first and then you may explain afterwards.

A. I believe I have answered.

Q. Has there been completed in the first draining section canals and draining machines adequate to drain the lands north of the Metairie Ridge?

A. No; there has not been canals completed adequate to drain those lands north of the Metairie Ridge, nor have draining machines

been put up, but there has been two-thirds of the necessary canals completed.

Q. At the foot of Bayou St. John there was a certificate issued for work done for about four hundred and fifty dollars. What was that for?

A. A small canal was dug so as to form an island near the mouth of Bayou St. John to make a receiving canal and a road-bed on the inside of the Spanish Fort railroad track. I forget what street it was brought opposite, but it is shown in the surveyor's office, and the location of the bridge.

Filed Jan'y 31, '81.
(Signed) PHILIP POWER, JR., *D'y Cl'k.*

468 48. *Certified Copy of Evidence of Joseph Collins from Supreme Court Louisiana, Record No.* 8260, *Davidson vs. New Orleans, pp.* 264 *&* 265.

3d Dist. Court.

No. 1306.

Filed Feb'y 17, 1881.

JANUARY 17, 1881.

JOSEPH COLLINS sworn for plaintiff.

Examination-in-chief by Mr. FORMAN:

Q. Have you recently been administrator of improvements of the city?

A. I have up to the 15th November.

Q. State while you filled the office whether you sold any dredge-boats purchased from the Miss. & Mex. Gulf Canal Company.

A. Yes; I sold the wrecks of them—the machinery and iron-work. At least I exchanged them for iron and wood to make bridges. They were utterly useless.

Q. They were boats bought in 1876 from the Mississippi and Mex. Gulf Canal Co.?

A. Yes.

Q. During the time you were in office was the city doing any, thing towards carrying out the plans of commissioners of the 1st draining district?

A. No; nothing.

Q. These dredge-boats have not been used since 1876?

A. No; not to my knowledge. They were not used during my term of office. They were not fit to be used. There was
469 nothing but the machinery left; the boats had sunk long ago.

Cross-examined by Mr. BUTLER:

Q. How long were you in office?

A. From the 1st of February to the 15th of November, 1880.

Q. Did you acquaint yourself with the plan of the drainage commissioners?

A. I had a pretty general idea.

Q. Did you understand the system?

A. Well, I think probably as well as any non-professional man could.

Q. Are you able to say if that system was carried to completion that the 1st drainage district would not be drained?

A. No, sir; I am not able to state that.

Q. If that plan or system were carried out are you able to state why then or not the lands in the 1st drainage district would be drained?

A. Well, I believe they would. That is my unprofessional opinion.

470 *Statement of All the Drainage Taxes in All the Draining Districts Certified to by L. Laroque.*

Whole assessment:

1st district	705,628 30		
2nd do.	681,750 45		
3rd do.	627,598 94		
4th do.	384,000 00		
		$2,398,977 69	2,398,977 69
Due by city for streets, &c.		763,378 69	
Assessed to individuals		1,635,599 00	2,398,977 69
Less collected from individuals, to wit, in 1st dist.	86,478 78		
" 2nd "	270,517 05		
" 3rd "	330 30		
		357,326 13	
Due from individuals		$1,278,272 87	

Paid out for canalling and draining machines:

1st district by commissioners		25,367 09	
" " city		167,633 00	
			193,000 00
2nd " " "		153,527 00	
" " commissioners		200,000 00	
			353,527 00
3rd " " city		58,744 50	58,744 50
Paid by commissioners & city for drainage			605,280 50

	Due by individuals.	By city.	Total.
1st draining dis.	387,981 02	231,168 50	619,149 52
2nd " "	212,050 00	199,183 40	411,233 40
3rd " "	422,241 85	205,026 79	627,268 64
4th " "	256,000 00	128,000 00	384,000 00
Total	1,278,272 87	763,378 69	2,041,651 56

471 Work done by the city from July 7, 1871, to July 1, 1872:

1st draining district	21,894 feet.
2nd " "	14,138 "
3rd " "	11,242 "
4th " "	None.
	47,274 feet.

Statement of Cubic Yards of Canal Excavated from July 7, 1871, to July 1, 1872.

1st draining district,	335,266 cubic yards, @ 50c.		167,633
2nd " "	201,318 " " "		100,659
3rd " "	117,489 " " "		58,744
4th " "	None.		
	654,073		$327,036

Protection levees:

2nd draining district,	12,370 running feet—		
	141,733 cubic y'ds, @ 37½c.		52,868
	3,296 " " @ 12½		
			$379,904

July 1, 1872.

I certify the above to be a true copy taken from the books of the drainage bureau at the city hall.

L. LAROQUE, *Clk.*

472 *Last 13 Pages Certain Book Marked by Examiner O. B. S., Ex., April 11, 1888.*

51 } 52 }	P T Viosca, J Petit	2B	9	60
59	U S custom-house	5	327	65
99	Alley	9		95
119	J W Perrilliat, J Kettes	26	1	85
143	F Zinp, Tissot, agt	27	1	65
311	E A McNeil, Mrs Vance	33	1	15
328	Wid'w A Hennan	35	6	65
361	F Marques	36	7	55
285	Do.	"	4	05
391	E Maher, A Bartel	38	1	40
392	B'k Lon, city, N O	"	20	95
441	P Avegno, Jr	41	14	05
465	W'd P White, C Porter	42	5	45
525	A Murphy	63	15	25
660	Doc A Mercier	38	5	00
722	S B Cadilon	72	6	65
742	W'd A Delpeach	"	6	75
759	C McCarthy	89	8	45
804	J B Converti	91	9	30
816	S Lustour	92	10	05
820	Emile Chazat	"	6	28
826	J J Zamora	"	8	20
832	Miss C Greeves	"	6	90
833	F Formento	"	8	10
849½	G Dastillion	93	14	50
855	J H Millet	"	5	50
879	Alley	94	10	30
906, 7	Mrs B Fox	96	15	05
964	C Barbe	98	6	70
995	P Goulet	99	1	65
999	E H Luneyer	100	16	30
1000	W'd B Macera	"	9	45
1013	Mrs Pragio	"	3	20
1049	Cemetery	120	118	95
1050	St Louis Cathedral	121	18	40
1089	Mrs Hupkins	125	5	60
1090	E Schreiner	"	6	65
1107	F Castaing	127	11	25
1150	Cemetery	131	147	65
1172½	L'Alibert	133	10	45
1174½	E Maher	153	3	30
1177-84	Geo L Hote	"	22	10
1207	Alley	154	16	50
1256	W'd M Casanac	157	4	90
1338	Geo Merz	162	10	80
1339	J Petit	"	15	25
1424	Cemetery	189	251	20
1425	"	190	275	25
1426	"	191	226	85
1431½	Lacroix	192	6	70
1599	Louis Schwartz	1 A	54	30
11605	Jo Hernardez	2 A	29	70
1433	Lacroix to Pecoul	192	52	10
11615	Jean Petit	E	45	25
3339	City to Chas Morgan	3, 4, 5 C	385	35
10877	L Buckholtz	6 C	9	90
10879	Kennedy & McKean	"	19	80
10913	H F Sturehen	3 B	19	60
10928	W'd J Druyre	4 B	57	60
10935	Ch Morgan	5 B	94	50
10945	B Saloy	6 B	39	40
3358	Jos Cohen	2		85
3419	R Charles to L Sita	7	4	85
3423	Auguera to Denege	14	1	70
3440	Jno Davidson	16	29	80
3450	Sam Jamison	17	4	55
3454	C M Conrad	"	5	50
3457	J M Auguera	"	1	85
3459	Jno Murdock	18	2	75
3460, 1	F M Fisk	"	3	65
	"	"	3	65
3462, 3	Jno Davidson	"	12	70
3517	Mrs. Blanc	58	4	45
3518	Do do	"	4	45
3531	Mitchell to P Greer	60	5	00
3547	Theo Nash	"	6	20
473				
3552	R Charles	60	4	25
3629	So Relief Des Boys	63	7	50
3647	P Irwin	15	11	00
3648	S W Rawlins	66	9	70
3672	Jas Desban	124	1	60
3684	E W Burbank, State B'k	"	7	20
3702	Jno Connors	125	7	40
3718	Jno Menard	126	4	50
3753	Thos Gilmore	128	2	50
3754	R Charles	"	2	30
3792	Dulief Fenney	130	3	00
3824	Weaver to G M Lewis	131	2	85
3827	Weaver, G M Lewis	"	2	60
3955	Hatch, E W Burbank	164	5	25
4028, 9	R Ciunly	166	5	75
4059, 60	N Story	168	5	20
4063	Jamison & EcIntosh	"	2	10
4063, 4	N Story	"	3	40
4065	B S Storey	"	4	65
4066, 7	Mackey, do	"	20	25
4099	B Storey	170	7	70
4111	Doc J M Mackie	"	15	25
4146	H S Buckner	171	5	75
4160	R Waples	172	4	15
4169	H S Buckner	"	4	45
4262-4	Unitarian Cong	180	23	25
4284, 6	T C Twitchell	218	25	20
4289	Jno Davidson	"	33	80
4298	Mrs B L Skipmore	"	10	60
4299	Jno Davidson	"	7	40
4301	T B Lee	"	8	00
4304, 5	Jno Davidson	"	23	30
4320	Kohn to Gernon	219	5	25
4322	Roper to Geo Soulé	"	22	20
4366	J & J C Davidson	220	10	95
4368-70	Lyal & "	"	52	30
4375	J M Reid	221	4	25
4434, 5	Harrison & Barker	223	9	90
4437	A Grant to Wilhaus	223	5	50
4555	N R Jennings	228	3	40
4572	H S Buckner	229	5	90
4581	Durant to Clap	"	6	35
4610	Stingerland	230	5	50
4627	R Waples	232	6	95
4685	L F Generes	234	16	85
4692	J G Bagnie	"	7	40
4715	J M Cartier	257	10	10
4735½	B S Harrison	"	6	10
4787, 8	McIntosh	259	5	70
4801	City, H Kern	261	4	55
4851	Est. Wm Moore	263	3	25
4904	University Lou	266	204	30
4910, 11	Mrs A Bier	"	8	75
4944	Doc A Mercier	267	12	15
4945	Alperent, T G Richardson	"	3	65
4950	Hunt, J W Price	"	6	05
4957	W H Holmes	"	9	80
4959	Waterman	"	4	00
5011, 12	Jno Stidd	270	5	80
5068	J P Clohesy	273	5	05
5113	Chas Campbel	293	2	70
5158	City to Bothick	295	7	10
5172-5	J Funney	"	12	55
5281	Heirs Mrs Haner	301	4	70
5337	J D Weaver	304	8	95
5394	Dios to Miss So	307		75
5408	Ed Brown	"	7	50
5463	M K Brady	309	6	00
5471	Jas Davern	328	4	35
5516	Bobinger	329	2	65
5519	Mrs W Regan	"	10	40
5547	J W Aubert	330	6	00
5629, 30	E A Cameron	334	11	95
5631	Leon to P Goulet	"	3	00
5646	E Canon	"	52	65
5693	Elijah Canon	337	13	50
474				
5704	E Parron Kurtz	338	29	10
5730	W'd Pat Gorman	339	4	15
5754	M Condron	340	6	20
5806	Wm Forgay	342	20	65
5822	Cronan to Gilmore	343	5	90
5837	Sewell to Fricker	"	1	35
5847	W W Kilpatrick	344	5	60
5852	Prot Cemetery	345	250	00
5898	Heirs Gen Twigg	361	10	35
5908	P Conway	"	5	15
5909	Mrs J Carroll	"	5	15
5932	J M Hoyle	364	12	55
5950, 60	Pat Gorman	366	6	70

5968 Charity Hospital ... 367 292 40
599 1-5 P Leblanc ... 369 19 50
6010 Dawsonto McIntyre ... " 5 30
6011 P Leblanc ... " 2 45
6047 Pat Gorman ... 371 3 55
6060 Paterson to Wilson ... " 6 15
6062 M Noland ... " 2 90
6089 Grant to Madison ... 395 3 00
6090 " to W Denis ... " 3 00
6091 Do. McInnus ... " 3 00
6145 Kearney to Gorman ... 402 4 15
6197 Ade Monastier ... 404 8 15
6209 Jas McCormick ... 405 8 25
6218, 19 A D Holmes ... " 7 25
6221 Mrs P Defonse ... " 1 80
6224 Steel to McCormick ... " 95
6226 Lynch to 4 Bap Ch ... " 1 50
6255, 6 McCullough ... 406 21 30
11423 T Fitzgerald ... 409 4 65
11428, 9 Jno Thurman ... " 9 70
11444 M M Bell ... " 4 85
6281 H'y McGuim ... 410 9 25
6286 Kilpatrick to Mac ... 411 8 90
6287 McCan to E K ... " 9 90
6288-90 Raney to H'y McG ... " 14 85
6291, 2 H'y McGuim ... 411 17 80
6300 H Beach ... " 5 15
6302 Patrick to Busby ... " 18 55
6310, 11 Dom Call ... 426 20 60
6325 J B Wertenberg ... 427 9 90
6334 A Hanison ... " 10 35
6337 Mrs J Massat ... 429 13 10
6349, 50 L Dean to Rice ... 430 17 40
6589-91 Jno Younger ... 27 60
6608-10 Ranney to Leeds ... 17 60
1441 Wm Houlahan ... 212 10 60
1443 Bailey to McVelter ... " 9 50
1447 Jac Turkman ... " 4 80
1448 Reise to McVelter ... " 1 85
1454, 5 Fritz to Conserat ... " 21 20
1462, 3 Gobelen, ag't ... " 9 05
1467 Patton to Desk ... 213 4 40
1477 Jno King 2d ... " 8 75
1504 J H Schaefer ... 214 5 75
1505 Grette to Jo Keller ... " 5 80
1508 Daepket to L Maher ... " 8 30
1539 Terrel to McDavid ... 215 3 40
1600 Wiley to Marchard ... 217 12 25
1613, 4 Meth'st Af'n So ... 218 24 50
2625 Murphy to M Keafy ... " 9 80
2626, 7 Bois to Meth'st Ch ... " 9 80
1668, 1 Est T H Mathews ... 220 17 50
1668 Mrs Chevailen ... " 3 80
1680, 1 B Gardiner ... " 18 90
1691 Gequel to H. Lunbo ... 221 9 10
1692 McCabe to Paragean ... " 3 90
1704 Jno Conrad, Jr ... " 2 70
1714 Culf, ag't, Sam B Can ... 241 9 80
1720 Lacrois to Ferol ... 241 12 05
1722 Mme Tobia ... " 8 15
1725 Jno Vegle ... " 9 05

475

1726 A Adolph ... 241 7 70
1735 B Albert, Lavaseau ... " 14 15
1760 Jno West ... 242 9 55
1761 Chas J O'Hara ... " 14 05
1762 Thos Duffy ... " 14 05
1815, 16 Chas Cavanac ... 244 13 20
1819 F A Betenger ... " 6 15
1876, 7 Girard & Teblier ... 246 19 10
1920 Grief to So St Vin Paul ... 248 44 95
1949 Lacroix to Batemen ... 250 52 05
1958, 9 Do F ... " 14 40
1966-8 Gripen to Get ... 271 22 20
1983-5 Alf Shaw for Grifen ... 272 34 50
2018 F M Jacobs ... 273 9 75
2019 Alf Shaw ... " 9 75
2038 Lucien Adams ... 274 12 40
2039 Do. do. ... " 11 65
2044 Kate C Arthur ... " 8 60
2067 Pat Woulfe ... 275 12 25
2087-92 Hyams & Hy'ms ... 276 69 60
2136-8 O'Donel to Mathis ... 278 31 95
11452 Mrs Beekler ... 299 8 30
11454 " G Controwski ... " 7 90
2173 Sauer to Walsh ... 300 3 25
2175 Mullen to M Robert ... " 7 60
2178 Hamberg to J Coffee ... 300 6 45
2186 Baren to Tobias ... " 7 25
2187 Riley " M Joyce ... " 8 05
2192 Quin to Behan ... " 8 05
10768, 9 Geo Weightman ... 302 18 95
10770-2 Unknown to W ... " 28 40
10774-6 to " " ... " 37 85
2224-7 J M Saux ... 303 40 80
2228-32 Jo Artique ... " 51 00
2235-6 R H Smith ... " 8 40
2249 Ward, &c, to Myer ... " 13 95
2258 Hyams to Mrs J ... 304 54 00
2267, 8 Baker to H Binney ... " 9 00
2274, 5 C A F Depke ... 304 16 20
2282, 3 Penn to Campbell ... 305 18 00
2292, 3 Davis to Heidman ... " 18 00
2303 Lock to McCullof ... " 9 00
2306 Kerwin to Depke ... " 9 00
2307 Jno Kerwin ... " 9 00
2308 Clinton to Hartman ... " 11 05
2309 " to Peparol ... " 11 05
2310 N E Bailey ... 306 269 05
2313 G Fitzgerald ... 307 8 55
2316 N E Baley ... " 68 45
2326, 7 J Ehrnsur ... " 17 10
2328-30 J K Bailey ... " 28 50
2331, 2 Nitsch to O'Hara ... " 19 50
2333, 4 Jo Nitsch ... " 20 95
2336 McIvens to Lynch ... 327 3 95
11565-7 A Labarre ... 328 27 50
11561 Unknown ... " 56 75
2338 Rochereau ... " 1 70
11571 Provençal ... 9 90
11572 Fire Co 21 ... 9 90
11573, 4 Anaes Labarre ... 17 60
2378 Chs Lawson ... 13 95
2384, 5 McKee to J McCauley ... 13 90
" 5 A Est E Sequel ... 32 30
" 5 D D A Labarre ... 28 15
" 5 G McLearn to —— ... 33 95
2422 Werzberger ... 14 90
2428 Pursard to do. ... 12 85
11315 Jo M Baker ... 12 45
11316 Barret to Duffy ... 12 45
11331 Chas Struger ... 5 85
2431 Sis G'd Shepherd ... 424 90
9796, 7 Eliot to Petit ... 13 70
9814 Peter Trum ... 10 10
9815, 6 C Wurgerstein ... 5 05
9817 Grauf to —— ... 7 10
9819 M Philip ... 12 70

476

9820 Mrs Cousins to Severns ... 335 10 85
9826 G H Sterle ... " 7 10
9840-3 B Werser ... 361 36 15
9846 Do ... " 8 30
9864 M Egan ... 362 7 10
9865, 6 P Trum to —— ... " 12 20
9889 McShane to Curry ... " 10 40
9890, 1 Do to May do ... " 17 50
9092 Slaughter " E Warth ... " 7 10
9896-9 M Egan ... " 47 00
9920, 1 Roberts to Lacosti ... 363 18 70
9934 McCauley to Smith ... 364 7 25
9941, 2 Rapaers to Werz, 22 ... " 12 40
9962-7¾ Pickles to Davis ... " 50 55
2437 N O C R R'd Co ... 365 205 25
10693 E Shock to Eo S ... 368 22 30
10698 Unknown " Snyder ... " 17 65
10702, 3 " Jas Snyder ... " 11 90
10710 " T Rogers ... " 5 50
2441, 2 R C Cammack ... 394, 5 460 85
11349, 50 Con Geise ... 398 9 40
11373, 4 M Eliot ... " 9 40
11355-61 F Lacroix ... " 30 30
11362, 3 Fred Wilmes ... " 9 40
11364 F Lacroix ... " 4 70
11365, 6 Eliot to Henry S ... " 9 40
11367-70 F Lacroix ... " 18 80
2446 Slidel to Dohlman ... 399 151 45
10733, 4 Unk'n to Hoyle ... 400 15 00
2449 Slidell to Dolman ... 419 56 90
2451, 2 R C Cammack ... 422½ 391 45
10000 Milladon to W ... 425 5 20
10001-4 Do do ... " 20 80
10755, 6 Unk'n to Sturm ... 426 11 00
10759 Do " Graf ... " 5 95

10760–2	Do to Riley	426	18 60
2473–91	L T Generes	449, 50	81 65
2492–5	Do	450	29 65
2499–2508	L F Generes	450	23 85
2512, 13	Gredez to Borden	451	32 65
2518–23	Unk'n to Jacquet	"	68 30
2531, 2	Durant to Stanton	452	12 60
2533, 4	To J L Sterry	"	15 05
2535	Walker & Miller	"	17 50
2536–47	Do do	452	59 30
2548–54	Durant to Sterry	"	43 25
2580	Caro'd't Can'l Co	457	14 25
2582	H'y Bertes	468	30 25
" 3	Sue Carriere	"	28 80
4	Tho Handy	"	21 30
5	C Moret	"	19 20
6	J A Le Blanc	469	25 00
7	H'y Bertis to Love	"	8 05
8	Rob't Simons	"	38 80
9	Bertis to Jo Love	"	14 20
2593	Caron'l C Co	473, 4	164 00
5	G A Holt	"	2 00
2598	Carod't C Co	474	165 20
2615 2616–37	Abat & Generes	475, 6	415 90
2658–61	A R Durel	477	46 80
2662–5	Jo S Hyams	"	46 70
2661–77	B Morer	"	138 00
2680–99	P Canteron	480	222 00
2700	Pat B O'Brien	481	247 55
2701	D S Bryon	482	121 30
2701½	M A Durel	"	121 30
2702	Mrs Pontalbra	483	121 35
2703–11	G A Holt	484	232 75
6	Dan McIntyre	"	22 05
2708	G A Holt	485	68 85
9	Alf do	486	20 20
2713, 14	C Morel	488	50 50
2715	H Bertis	"	17 30
2717	C Morel	489	49 95
2719	Mrs Augusta	"	5 80
2720	Sis'n Currure	"	1 50
477			
2721	C Morel	489	101 15
2722	Unknown	490	54 10
2766	Fisk to Morel	494	21 35
2767	G A Holt	495	4 50
2731, 2	Do	496, 7	349 10
2733	Pascal to H'y L	498	10 65
2734	G A Holt	"	84 60
2735, 6	A Denis	499	77 25
2737	Pascal to H'y L	"	112 50
"	" "	"	12 55
2738	G A Holt	"	81 35
2740	Jno Arrowsmith	500	26 90
2741, 2	A Denis	"	92 05
2744	Alf A Pray	501	242 60
2745–9	P Pitant to W B	502	52 50
2755–62	Rob't J Kerr	"	14 85
2767	J S Elder to Bornling	503	58 25 / 246 70
2763–6	R J Ker	502	56 20
2770–9	Abbat & Generes	506	107 50
2780–2	F Schnider to Al	"	45 45
2795–3	E S Werzberger	508	54 65
2797	J Lacoste	509	80 35
2798	J S Simonds	"	66 75
2800, 1	A Denis	510	95 65
2802–4	P Mercure	511	23 05
2805, 6	A Denis	"	84 50
2808, 9	Do	512	82 85
2807–10	Pascal to Larquis	"	81 60
2811	G A Holt	"	42 50
2812	A Denis	513	4 95
2813	Pascal to Larquis	"	60 05
2814, 15	G A Holt	514	565 70
2817	Do	515	60 85
2824	Do	517	209 70
2805	L Turgean	"	58 70
2807, 8	A Denis & Larquis	518	70 45
2809	G A Holt	"	273 75
2830	L Turgean	"	8 60
2832	Jno Preysego	519	2 25
2833	P Mercuse	519	14 65
405	A Denis	"	204 15
2836	Pascal to H'y Lara	"	138 15
7	G A Holt	"	156 60
8	P Morciere	520	14 05
9	Suc D Hebecourt	"	122 30
2840	Jno Purysega	"	67 45
1	P Mercere	"	60 25
2842, 3	A Denis	"	222 20
2844	Pa'o Larquie	"	31 20
5	Pro Orphan Asy'm	521	42 95
6	P Mercelere	"	70 00
7	Suc'n D Hembecant	"	139 95
8	P Mercere	"	32 95
2851 2852	Suc'n D Hebecourt	522	42 25
"	"	"	60 15
3	Pro Orphan So	523	55 30
	Do	524 525	99 15
2854	Ch's Rolling	524	10 85
2857	C F Seleger	"	25 25
2862	Wd St Romes	526	275 50
2863	I Hyams	527	175 65
2868–7	A Patawitz	528	16 90
2875	Bell Schmuk	"	15 70 / 10 85
7	Jno Arrowsmith	"	33 40
8	Gubernator	"	14 90
9	D C Azareto	529	179 45
2849	A Denis	521	24 75
2880	J W Palfrey	"	8 20
1	Chas Rolling		80 05
2	Mag A Durel	530	317 35
2892	Benj Wayne	537	110 65
6	H H Hyams	540	282 45
	Sundry parties	541	274 70
2900	Jos Bolling	542	148 40
2903	Pro Orphan Asy'm	"	2 50
2911	Do	543	107 90
2917	Do	544	395 00
2919	Do	545	246 40
478			
2926	Pro. Orphan Asy'm	546	10 70
35	Do	548	161 90
39	Do	549	171 65
2904–9	Jean Bordes	543	85 90
2910	J M Saux	"	34 90
2912–15	J Bordes	"	60 85
2916	J M Saux	544	40 80
2918–20	P Mercier	545	168 50
2921	L Buckner	"	174 75
2922	A Denis	"	13 35
2903	Pascal	"	2 75
2904	P Mercere	"	16 35
2925	Jno Paysegut	"	5 75
2927	P Merciere	546	331 70
2930–2	A Denis	547	189 85
2931–3	H'y Larqueere	"	98 45
2934	Jno Notingale	548	3 35
2937, 8	C Krost	549	223 20
2940	Jean Bordes	550	141 05
	J M Saux	"	29 90
2948–53	J Bordes	"	128 65
2954	G S Tobenor	"	51 75
2955	I S Hyams	551	136 30
2957	L F Generes	552	120 80
2970	Chas Jeager	553	161 55
2984½	J S Hyams	554	134 60
3009	G S West	556	143 30
3110	Jo W Walker	"	134 95
3111	E J Hyams	557	232 70
3112	B O Planche	"	40 00
3013	S S Simons	"	13 25
11390–4	S S Langdon	558	16 65 / 5 55
11395–8	Brad Johnson	"	162 20
11407–16	S S Langdon	"	49 50
3017	W M Hyams	559	82 00
3017½	H'y Lawrence	"	82 00
3018	H Lune	"	166 60
3019	Mrs L Surge	"	190 10
3020½	J S Simons	560	94 55
3021, 2	Dan Peters	561	40 55
3023	A J Forstall	562	279 95
3024	Mrs Wm Gordon	563	
3025	Do do	564	297 30
3026	F Durie	565	120 80
3027, 8	Jno Casamagar	566	180 00
3032–4	Dom Dupurt	567	62 80
3036–8	Unknowu	"	47 10
3039–50	Do	"	191 60

3052	J Puysegur	568	179 25
3054, 5	S M Saux	570	39 75
3056	Chas Rolling	"	26 65
3057	J M Saux	571	72 15
3059	Anto Dorlet	"	32 65
3060	Dom Duprat	"	70 55
3061	Fr Bordes	"	70 55
3062	Mrs Maxamin	"	126 70
3063	H M Hyams	572	196 70
3064	P Cauleron	573	118 80
3070	M Bire	574	317 85
3071	Louis Andre	575	129 45
3072	Jos Croft	576	275 25
3073	Wm O Deneg	577	312 10
3074½	N W Claudel	579	34 60
"	M V Cassely	"	33 40
3077	Mrs Southmayd	580	103 20
"	Do	"	170 30
3080	W J Denegre	581	139 95
3081	Wm Gillen	582	41 50
"	F Lapinot	"	20 75
"	Wm Gillen	"	93 80
"	Do	"	42 05
"	Wm Cantope	"	62 25
3083	Es Martin	583	275 25
3086	Jno Hausman	585	317 85
3088	Jonville, West	587	72 35
3088¾	Do P Canteron	"	48 65
479			
3089	Jno Egerton	588	295 70
3090	P Pelsme	589	71 05
3092	Mrs Bire	591	118 75
3093	Vic Hausman	592	317 85
10790	Farsaux, Miss M	594	11 05
10791, 2	" W Calheart	"	22 10
10793-9	Farsaux V Morgue	594	77 30
10800, 1	B R Forman	"	14 50
10802, 3	Faisaux, Lerandais	"	18 45
10804-13	B R Forman	"	70 00
3109	Brady	595	233 05
3110	Ben Harrison	596	279 90
3111-24	Nixon, Ed Kearney	597	210 60
3125	Ins Co, Escubal	598	325 05
3126½	Freret Rubli	600	87 15
"	Do Jno Cullins	"	37 35
"	Do Rubli	"	15 55
3131½	Robt H Ker	601	23 00
3140	Mrs Justimard	"	22 45
3141-5	Mat Kinney	"	115 00
3151	Denegre, Miss Mar	602	251 85
3152	Mr Hauselman	603	317 85
3154	J Ferano	605	77 30
3155	P Cauleron	606	64 15
3156-8	W O Denegre	607	38 85
3159-65	Alex Grant	"	83 65
3166	Unknown	"	32 15
3167-73	W O Denegre	"	161 45
3174-97	Mat Behle	608	253 60
3189½	Ed Bertonnuro	609	125 85
3200	W'd J Lestrade	610	158 70
3201	Jean Ray	611	284 65
3202	F R Southmayd	612	165 30
3203-16	St Jn Ch	613	160 15
3217	Ellen Barbour	"	170 45
3218	Alex Grant	614	64 15
"	Thos B Lee	"	192 10
3219	W A Gordon	615	317 35
3220	E W Sewall	618	2 75
			29,398 90

480 *Contents of Four Paper Books Purporting to be a Statement of Drainage Taxes Unpaid to June 1st, 1885.*

481 1st D'g District.

Bill from Book 1.		Sq're.	
		29,398	90
3224	P H Mousseau	620	76 30
5	Aug Devron	621	12 95
7	Mrs A Maillot	623	2 60
3228-34	G'd Masonic L	624	72 60
5	P Quimper	"	38 90
3241-5	C G Schultz	627	32 50
3246	E L E Bonet	"	10 85
3247, 8	C G Schultz	"	13 00
3249, 50	J Sabatier	"	54 75
3251	C G Schultz	"	6 50
3257-60	Unknown	"	12 00
3261	J Lacouregе	628	13 30
3261-5	Mag Riley	"	26 60
3283, 4	J Lacouregе	"	32 20
3285	St Pat Cemetery	629	275 10
3286¼	E W Sewal	"	55 50
3287-9	Jno Sabatier	630	47 05
3292-8	Unknown	"	92 50
3303	St Pat Cemetery	"	31 10
3304	J Sabatier	631	13 40
3305	St Pat Cemetery	"	90
3306	G'd Lodge Lou	632	36 35
3307, 8	Unknown	633	95 70
3309¼	Do	634	11 25
3310	Sewal, A Grant	635	41 15
3313	St Pat Cem	637	116 60
3314	Odd F Rest	638	117 90
3315, 16	St Pat Cem'y	638 & 9	159 90
3317	Odd F Rest	639	108 35
3318	Fireman's Ass'n	"	2 85
3319	Odd F Rest	640	112 35
3320	St Pat Cem	"	80
3321	Fireman's Ass'n	"	22 85
3322	Greenwood Cem	641	71 45
3323	Fireman's Ass'n	641½	215 50
3225, 6	Odd F Rest	624½	273 90
3327	St Pat Cem	643	101 05
3328	Fireman's Ass'n	644	17 55
3330	Greenwood Cem	645	132 65
3331	Firemen's do	"	38 15
3332-6	Greenwood Ce	646 to 50	599 55

Bill.		Sq're.	
6372	Wm Hopkins	432	9 50
314	E Parker	"	21 00
6396	A J Wright	432	10 50
6397	Mrs A Morris	"	6 75
6402	P Gorman	433	2 90
6402¼	Ed Lynch	"	18 70
6418	Robt Eickon	434	8 80
6425½	Mic Glasen	"	6 65
6434, 5	A Pierron	435	25 25
6439	Camile Auvinet	"	18 60
6478	J H Brinkman	437	9 80
6519	Ph McCabe	438	8 90
6523	Dave Melville	"	8 90
6526	Perry Hart	"	8 90
6531	Jno Brown	440	8 30
6573	Jas Garner	442	75
6612-15	Mrs Jas O'Hara	459	25 25
6643	Theo Ralph	460	9 70
6654	Ed Lynch	461	9 90
6673	T Owens	464	12 15
6703	Pat Doherty	465	10 65
6720	L McGrane	"	11 85
6725	Phil McCabe	466	5 25
6732	T H Osborne	"	10 75
6738, 9	T J Moran	"	17 80
6756	F Lacroix	467	9 80
6764	Jas McCord	"	8 80
6767	Js Honoree	"	8 80
6777, 8	J Vienne	"	24 50
6815-16	F Lacroix	469	39 20
6821, 2	W'd J Lei-og	"	23 35
6832, 3	J B Couret		9 80
6837	H'y Montreiul		12 30
482			
6844	H'y Armstead	476	9 80
6866	Jno Monroe	"	11 10
6921	F J Hyat	472	6 95
6922	Jno J Collins	"	11 65
6924	Theo Clark		11 10
693-	M Tapie	473	12 15
6940	T Markey	"	12 15

Bill.	Sq're.		
6954 Pat Gillen	473	12	15
6959 G P Wilson	473	5	45
6959½ Mrs A Dugan	"	5	45
6960 Miss J Escat		3	60
6964 Ch's Brelun	474	9	30
6970, 1 Ch's Ross	"	21	30
7000–3 Ed Lynch	476	29	40
7015 Jno Croft	477	2	95
7035 J L Thompson	479	10	20
7038 Moses Briggs	"	10	95
7045 M Madden	"	11	90
7042, 3 Mrs Lyle	"	23	80
7049 P Griffen	"	9	35
7058 Wm Burdette	492	13	55
7065–7 S Anglado	"	32	10
7077 Jno Lane	493	7	80
7080 Jno D Byrne	493	5	45
7084 Chas Bled	"	6	50
7093 Jno Schroeder	494	11	35
7098 J Fernandez	"	10	55
7104 W'd Jno Higgins	"	9	80
7107 M Semple	"	9	40
7120 Mrs Jno Charles	495	7	95
7124, 3 Kilalia	"	22	95
7125 R Ragnati	"	11	85
7132 B Scanlan	496	9	35
7136 Sisters of Charity	497	234	60
7140–2 P Casserly	498	35	40
7147 Do	498	8	85
7154, 5 Caro Williams	"	21	20
7161 J H Sutton	498	11	80
7165 J Couret	"	7	40
7170 S P Blanc	"	8	85
7171 P Casserly	"	11	80
7173, 4 J Murdock	499	21	20
7178 B Martin	"	7	10
7181 Sarah Ferguson	"	11	80
7183 O Gallagher	"	12	95
7185 Mrs N Lancaster	"	12	95
7195–7 Meth Epis Ch	"	17	70
7207 Chas McCormick	500	9	05
7208–11 Mrs Astredo	"	37	70
7205 Ch's Riesland	"	8	90
7239 A Borne	502	8	20
7241 Mrs T White	"	10	25
7244 Chas Wilabill	"	5	05
7249 Mrs F Martinez	"	5	15
7251 E Carter	"	3	50
7269–74 James Prague	515	60	35
7275 M Moffat	"	10	65
7285 Miss A Grenan	516	7	65
7289 Fred Brandt	"	7	55
7321 F Kreling	518	11	50
7335 J Berrigan	"	10	00
7336 Conoly	"	10	00
" F Brandt	"	10	00
7341 J O C Collins	"	10	00
7342 F Higgins	"	10	00
7345 Isaac Burke	"	5	15
7346, 7 Chas McCray	"	12	90
7349 D H & P Tomey	"	6	45
7352 Mrs M C Roys	519	6	45
7353, 4 Mrs S H Davis	"	23	20
7355 Miss S Donohue	"	12	90
7357 Geo C Norcross	"	12	90
7364 St Vin de Paul	"	41	45
7383 J Fitzsimons	520	10	50
483			
7394 H'y Eberling	520	10	75
7409, 10 Scanlan & McDougal	521	7	75
7427 Wm Mykan	521	9	65
" 8 Mary A Cain	"	9	65
9 Doc A Mercier	522	20	25
7431–3 H'y Eberling	"	5	70
7434 Jas Garisk	"	14	50
7442 Doc Mercier	"	18	90
7443 Mrs Chandler	"	7	50
7445, 6 Doc Mercier	"	85	90
7450, 1 Uniacke	523	17	00
7463 W E T St Ferol	"	7	15
11537 Jno Collins	524	9	45
11543 B Bares	"	3	85
7485 Pat Sulivan	525	19	70
7493 P F Lenoro	"	9	15
10021–3 W E F St Ferol	527	23	55
10028 Thos Ford	"	5	25

Bill.	Sq're.		
10029 Jno Prat	527	8	10
10041, 2 Jac Kerner	"	15	80
10043 Mona-terio	"	48	60
7506 Jno D Johnson	528	387	10
7507 Bradish Johnson	529	332	35
7512–3 Wm Dearing	530	21	75
7519 Alph Martin	544	138	70
7519½ Jno L Coret	"	138	70
11024, 5 M Blum	547	23	60
11026–30 F Lacroix	"	59	00
11035–7 Caro Williams	"	40	65
11047, 8 Wm Hart	"	23	60
11053–2 Wd J Husted	"	27	10
10956 W J Reynolds	548	10	65
10980 J M Artigue	"	13	55
10984 Geo Northington	"	13	55
7535–40 S H Davis	549	43	85
" A L O Lynch	"	19	00
7547 J Dejan	550	12	15
7562 J M Artigue	550	14	75
7572, 3 J M Given	551	9	40
7584, 5 Wm F McLean	"	18	90
7593 Jas M Given	"	7	25
7603, 4 B Johnson	557	182	40
7605½ Do	"	117	90
7606 Ed A Johnson	558	442	20
7609 F Lacroix	559	335	70
7610 D Jobson	560	12	85
11262 C Nicholas	561	7	90
11266 A Parker	"	8	90
11269 Jno Finney	"	13	00
11277 R Griffen	"	6	00
" 8 F Boyer	"	6	00
11086 F M Fisk	574	12	20
7613 *a* Wm Dooley	575	12	25
" *b* C Brown	"	12	25
13 *c* I Dutch, Jr	"	12	25
14 Mrs C Hunt	"	429	30
14 H'y Green	"	12	25
14 B Wd T Merin	"	12	85
18 Mrs Julia Mora	576	10	05
7633 Jno Freehorn	"	12	70
7642 Wm S Benedict	"	12	70
7643 St Ferol	"	17	55
7644 Unknown	"	17	50
7647, 8 B Conoly	"	14	00
7654–6 Ph McCabe	577	29	40
7657 F Lawyer	"	9	80
7664, 5 M Pesant	"	12	35
11487 S Rigney	578	3	90
9 B R Foreman	"	6	70
10995 Mat Hart	579	8	65
10998, 9 E S Wurzberger	"	19	85
11000 Mrs Dan Snell	"	11	20
11009 Mary A Murphy		8	65
11011 Jac Kerner		8	65
484			
11014, 5 Wm Marley	579	17	30
7683, 4 H Bonzano	580	19	30
7686 Wm Scott	"	14	60
7689 Jas McGrath	"	7	80
7690 Miss R Surgi	"	42	70
7700, 1 Is S Hyams	"	19	30
7705½ Robt Carey	"	9	40
7706 pt E D White	"	11	80
7717 E Wurzberger	581	17	30
7718–21 Do	"	56	90
7724–30 J Schenck	"	62	10
7740, 1 Wurberger	"	38	80
7747 T J Evans	582	5	85
7765 Jno King, No 1	"	7	90
7766, 7 Fr Chavin	"	15	80
7770½ C P Sturmer	"	7	90
7773 T Cascobet	"	11	20
7774, 5 J P Clohey	"	19	00
7776 R S Adley	"	11	30
7782, 3 W P Rochford	583	19	20
7786 Unknown	"	9	60
7787 Do	"	9	60
7788 Do	"	9	60
7789 Mic Roy	"	15	15
7797 Capt J Riley	"	17	45
7814 G Gunst	584	23	45
7820 W A Freret	"	8	40
7821 M Grady	"	8	40
7824 J Martinez	"	8	40

Bill.		Sq're.	
7830	W A Freret	584	13 00
9836	City of N O	"	4 35
7840-3	H M Kline	"	35 45
7847	Mrs Geo Bull	"	7 90
7855	City of N O	"	4 15
7857	Brad Johnson	585	666 45
7858	Do	586	704 75
11311	L Merz	588	15 45
11312	Jean Deretch	588	15 75
11313	Jno Veigel	"	15 10
11314	Ferd Schmidky	"	87 00
10077-9	R Pavageau	600	38 10
10084-8	R Pochelu	"	63 50
10089-97	Fr Lacroix	"	178 55
10099	Jno King	"	12 60
10101	J H Benson	"	29 15
10102, 3	P Pavageau	"	29 15
10104, 5	Cath Cowan	"	25 20
10106	Jno Tuck	"	12 60
10107	Jack Graham	"	12 60
10108	J Fitzpatrick	"	12 60
10110-12	R Pavageau	"	76 75
10119-22	Lacroix	601	54 30
10123	Mrs D Cotter	"	16 50
10124	T Dailey	"	7 55
10126	H'y Green	"	12 60
10127	Theo Meagher	"	12 55
10129	Mrs A Ferguson	"	12 60
10131-44	O Morel	"	269 30
10145-50	Lacroix	"	82 60
10152	Eliza Carl	"	3 35
10156	M Hopkins	"	26 00
10157	C H Elfour	"	26 00
10158	Wm Collins	"	26 00
10159	Eliza Brown	"	26 05
7864	U S Marine Hosp	602	715 65
7864½	Wd McCauley	603	8 75
11119	Wm Benton	605	8 40
11122, 3	S Barnes	"	19 70
11136-44	L Surgi	"	66 25
11145	Wm Benton	"	8 50
11146-59	Mrs L Surgi	"	125 75
11160, 1	Geo Cronan	"	17 00
11162-4	Paul Surgi	"	25 50
11165-73	Mrs L do	"	83 25
485			
11174	Louis Surgi	605	43 60
7876, 7	Th's Wheelan	606	31 60
7878	Jas Geines	"	15 80
7879	Pat Lilly	"	15 80
7880	Jno Moran	"	15 80
7882	Jno Brenen	"	14 30
7884	Mrs L Surgi	"	15 85
5	" McGovern	"	15 85
7	A W Finley	"	15 85
8 & 9	W E F St Ferol	"	31 70
7890	A Baker.	"	15 85
1	Wm Johnson	"	15 80
2-5	Mrs L Surgi	"	63 20
6-8	Miss R do	"	37 20
7899	Fred Root	"	21 40
7901-4	Miss R Surgi	"	62 45
7905	Unknown	"	20 55
7906	Geo B Johnson	607	466 25
9	Mrs M O Norton	610	288 20
10, 11	Sam'l Barnes	613	216 55
10161-71	Lacroix	"	128 70
10172	J Strader	"	14 70
5	Eug Powers	"	14 70
10182	J H Coffey	"	11 40
4	James Romes	"	11 40
5	M'l Castro	"	11 40
7	Mrs Wm Crowley	"	14 70
8	Mary Lambert	"	14 70
10189-91	Fr Charpentier	"	44 10
10192	F Lacroix	"	14 70
10194	Sarah McLelan	614	11 40
5-7	Jas A Littlefield	"	34 20
8, 9	F Lacroix	"	22 80
10200-2	P Sullivan	"	34 20
" 203-9	Lacroix	"	99 70
10218	Do	"	11 40
10219	R Hanley	"	11 40
10221-6	F Lacroix	614	85 45
10231, 2	W'd A Bronken	615	22 80
10242-7	W H Compton	"	68 40

Bill.		Sq're.	
10248	J T & R E Ball	615	11 40
9	Jac Kenedy	"	11 40
10250-2	F Lacroix	"	24 95
10253	Elevina Green	"	13 55
10254-6	N Lamantia	"	40 65
10259	Jno Briggs	624	11 40
10260, 1	M J Nugent	"	22 80
10262-86	Wm Hart	"	317 90
10287	J Fitzpatrick	625	11 40
8-9	H Devia	"	22 80
10290	Baylor Cook	"	12 40
10292	Wm Johnson	"	11 40
10293-320	F Lacroix	"	316 35
7920-35	J H O'Connor	627	145 60
7936	S S Davis	628	299 15
7	Jno Davidson	629	175 65
11176	Dan Britton	"	9 95
8	W W Carre & Co	"	9 95
11184	J P Brown	"	12 80
7940	C & J H Rahders	631	179 45
7941, 2	Eames & Wilcox	632	179 75
10370	W'd P Conway	637	11 40
10373	Jamison & B	"	11 40
10385 to 418	Lacroix	638	421 15
10467-94	Do	651	302 00
10495	F Roeber	652	23 30
10501	Wm Hart	"	11 65
10503-7	Jno Stoll	"	31 50
5-8	Do	"	31 50
10520	Jno Hubard	"	10 50
7957-63	Sam'l Barnes	653	107 20
11190	A Joses	654	11 80
11191-3	Borges	"	35 15
11198	M'l Decastro		11 80
486			
11199	Js Casanova	654	11 80
11200	Jno Fernandez	"	11 80
11201	Anto Penare	"	11 80
7973	Jno Davidson	655	221 75
4	Do	656	214 60
7975	Camack	657	64 00
7977	Pat B O'Brien	658	292 60
8	Do	659	292 60
9	Do Jackson Cotton Press	660	302 35
7991-8001	J Caulfield	661	29 15
8004-7	Jno G Haas	662	24 40
8014	D C O'Brien	"	8 85
8015	Jas Kerning	"	8 85
8016	Mrs M Littlefield	"	6 10
8020	W E St Ferol	"	6 10
8021-7	Jno G Hass	"	18 35
8028	Ch A Benedict	663	13 55
10522-30	H Pedarre	664	111 60
10532, 3	F Lacroix	"	31 90
10534-6	N Houth	"	47 85
10537	J Bordes	"	12 40
10538	J Mullahy	"	12 40
10539	Ed Zeidler	"	12 40
10541-7	Wm Hepper	"	57 60
10554	Mic Waters	665	12 40
10555-86	F Lacroix	"	439 65
10587	City of N O	666	14 05
10588	Lacroix	"	239 05
10627-9	Bienvenue	676	37 20
10630-61	Jno Henderson	"	427 25
10661-76	F Lacroix	677	219 75
10667-85	J Mulcahy	"	111 60
10686	F Niedman	"	12 40
10687-92	Lacroix	"	95 75
8035	W'd Kohlman	678	85 05
8036	T J Durant	679	162 55
8037	Miss R Surgi	680	325 10
8038	J L Sterry	681	335 95
8039-44	F T Robert	682	92 85
8054	A C Jaurac	"	35 10
8057-9	W'd Ed Navau	"	17 55 / 31 35
8060-2	R Bauman	"	31 35
8068	Jno G Ellis	688	292 35
8069	Mrs Pontalba	689	169 05
8070-99	J V Norton	690	389 00
8100	Lavillebeuvre	691	411 35
8100, 1	City of N O	692	53 90
8103-32	Tomy Lafon	702	389 20
8133	W'd E P Macias	703	89 60

Bill.	Sq're.		
8134-7 C Anfoux	704	49	40
8138-48 W'd E P Macias	"	149	20
8149-55 O Anfoux	"	96	80
8169 I S Hyams	706	46	00
8173 G Campbell	"	11	50
8174 Do & Hyams	"	11	50
8175, 6 Isaac S Hyams	"	23	00
8177-80 Alf Shaw	707	19	80
8181-91 F Lacroix	"	146	20
8192-8 Alf Shaw	"	38	70
8200 Thomas & Foley	709	292	35
8201 Wurzberger	710	292	35
11205-9 Geo Vick	712	27	35
11215-20 Theo Green	"	37	45
11221-8 Lewis or Geo Vick	"	50	75
11649 W'd Ch Higgins	713	11	40
11650 W A Bienvenue	"	44	15
11653 Rosa Holmes	"	11	05
11654 Tho Walker	"	11	05
11655, 56 Wm Martin	"	26	80
11657 Bienvenue	"	15	75
" 8 Wm Carter	"	33	15
9 Bienvenue	"	77	70
11660 W W do	"	31	50
8208 Ellis & Boyle	715	364	80
487			
8236 Ranney	716	96	71
8238 H'y Hart	725	389	10
8239, 42 Wm Nagle	726	49	40
8247 T A Crawford	"	15	80
8259 J D Wood	"	15	80
8260 W'd Duplessis	"	15	85
8262 D D Bayou	727	292	35
" 3 C M Pomroy	728	292	30
" 4 Jno Davidson	729	302	15
" 5 W Uniacke	730	292	35
" 9 Jno H Behan	734	318	50
8273 N B. Kneas	738	52	50
" 4 J W Jewell	739	134	70
" 5 R H Bowles	"	202	10
8276 Hoyle & Chadwick	740	143	80
8277 Th Prudhome	747	221	85
8278 Robt H Bowles	748	224	45
8281 D S Bayou	750	337	30
8282 M N & W B Wisdom	751	303	60
8283 G W Hynson	752	303	60
8284 J H Behan	753	348	55
8288 Mrs A Derbes	757	403	65
8288½ Anto Domini	"	8	90
8291 F Lacroix	760	264	95
8292-8309 G W Hynson	761	142	55
8310-27 Chas A Eager	"	142	60
8329 Cor Noonan	763	774	85
8330 City of N O	764	213	20
8331 Jas Davidson	776	377	55
8332 Forgay & Bier	777	366	30
8334-3 Pat O'Connor	778	23	50
8335 Jas Graves	"	11	75
8336-9 Jno Poitevant	"	47	00
8341 Jas Graves	"	14	70
8342-9 Peter St Amand	"	54	55
8358 F Drickmeir	"	56	40
8361 Miss V Morgan	779	430	50
8362 G W Hynson	780	419	10
8363 A Beckwith	781	523	30
8364 E S Oliver	782	216	85
8365 J B Couret	783	577	35
8369 H'y Hart	787	168	65
8370 Do	788	168	65
8372 Do.	790	103	85
8371 Jas Daverne	791	198	20
8402 P Massouet	796	331	70
8403 C Tiblier	797	165	85
8404 I S Hyams	798	154	80
8405 C W Hornor	"	82	95
8407 B F Hynson	800	298	55
11229-36 Dr C Beard	802	105	15
11237-9 I S Hyams	"	30	40
8410 F Lacroix	"	196	00
8412-16 T J Durant	804	26	05
8417-30 Alex Milne	"	171	30
8431-39 T J Durant		59	60
8441, 2 H'y Hart	806, 7	331	70
8443 Pat Irwin	808	206	25
8444 J Campbell & w	812	5	90
8444½ J M Forgay	813	69	35

Bill.	Sq're.		
8445 H'y Bier	813	69	35
8445½ J M Hoyle	"	138	70
8449-51 Mrs H Powel	817	33	60
8452 Mic Nolan	"	11	20
8453-5 Mrs H Powel	"	33	60
8456-8 " W J Pierce	"	33	60
8459-72 " Hanah Powel	"	215	70
11240-8 J H O'Connor	818	166	10
11249 E. S. Wurzberger	"	18	70
11250 Mrs de Pontalba	"	8	90
11251-4 E S Wurzberger	"	44	40
11259 A C Fletcher	"	39	20
488			
8486 F'k Sharpto	820	25	75
8487 Isaac S. Hyams	"	197	60
8488-97 H'y Antz	821	104	20
8498 to 8500 H'y Antz	"	50	30
8501 Miss M E Walsh	"	16	80
8502, 3 J Bordes	"	20	80
8504-12 Miss Walsh	"	100	10
8513-15 H'y Antz	"	50	30
8516 W S Picket	822	331	70
8518, 19 L G de L'Isle	824	32	05
8520 Unknown	"	12	60
8521, 2 S Nanele	"	28	60
8523, 4 Unknown	"	11	30
8524½ J M Hoyle	829	68	35
8525 G M Forgay	"	68	35
8525½ & ¾ H'y Bier	829 & 30	180	80
8526 J M Forgay	830	112	45
8526¾ J M Hoyle	"	112	45
8527-31 W'd A Morphy	831	59	15
8532 Mrs P McGuire	"	9	10
8533 Alf Marchand	"	10	35
8534 F Lacroix	"	269	95
8535 Aug Levis	832	13	50
8547 to 57 Jno Henderson	832	121	50
8558 Aug Levis	"	13	50
8559 G Legardeur	833	132	65
856 0½ Jas S Zacharie	"	87	15
8561, 2 J M Hoyle	834	16	20
8563-9 Hebrew Ass'n	"	66	50
8572-7 Florence Lange	"	84	35
8583, 4 Hebrew Ass'n	"	33	70
8585-93 Thos Lynch	835	106	45
8595 St Pat Cem't'y	"	142	95
10832 Unknown	"	38	55
8596 Odd Fellow-' Rest	836	87	60
8597 St Pat Cemetery		217	05
8599 Unknown		2	65
8600 J M Forgay	837	277	40
8601 H'y Bier	838	1	50
8601¾ J M Forgay	"	1	50
8601½ J M Hoyle	"	3	00
8602 W'd P Rochford	842	37	00
8603, 4 Firemen's Ass'n	843	209	05
8605, 6 Odd Fellows' Rest	843, 4	371	90
8607 St Pat Cemetery	844	138	75
8608 Firemen's Ass	"		15
8609 Odd Fellows' Rest	845	3	40
8610 St Pat Cemetery	"	252	55
8611 Con Ass'n B'k	"	36	55
8611½ Ph M McCabe	"	12	25
8612 Firemen's Ass'n	846	32	55
8613 Odd Fellows' Rest	"	262	90
8614 St Pat Cem't'y	"	41	85
8615 Cyp Grove do	847	17	15
8616 Firemen's Ass'n	"	258	20
8617 Odd Fellows' Rest	"	63	30
8618 Cyp Grove Cem't'y	848	131	80
8619 Firemen's Ass'n	"	89	25
8620 Cyp Grove Cem	853	10	30
8621 Firemen's Ass'n	854	16	80
8622, 3 Cyp Grove Cem	854 & 55	385	10
8624 Firemen's Ass'n	"	239	05
8625 Odd F Rest	"	6	80
8626 to 8631, 8632 Cyp Gro Cem't'y, f'm 856 to 63, 651		416	65
9067 Jno Davidson to	874	40,272	25
8751-71 Chs Rolling	f'm 875 to 885	759	00
8778-87 Do.	f'm 892 to 901	1,934	95
8788 1st D'g board	902	162	20
8789 Chas Rolling	927 to 874	2,245	80
9069 1st D'g board	903	236	05
9070 Chas Rolling	904	232	70

489

Bill.		Sq're.		
9071 to 9113	C Rolling	905 to 926	3,753	20
8790 to 8817	Cronan	927–44	1,659	35
8818 to 9110	Do	945	5,347	05
9111 to 9139	Do	959–76	2,398	45
8952	Mercier's heirs	672	11	50
8954	Do	672 *a*	21	10
9704	Vincent Galata	1565	129	10
9709	Weller	"	17	45
9710	V Galata	1566	192	85
9729	L Millandon	1583	1,011	80
" 52-9		1603–10		
652	City N Orl's	9		95
652	Do, Eng No 7	68	13	55
1074	" "	123	9	15
1383	" School H	185	27	40
3337	"	1 C	76	60
3338	"	2 C	93	80
4223	City N Orl's Lft sq're	176	398	35
4271	" School H	180	49	65
4442	" Eng No 5	219	8	70
4344–6	City Hall	220	73	55
4345–9	Eng No 13	221	18	10
4795	Poydras m'k't	260	43	60
5030	Do	271	38	75
5182	Pilie	296	16	25
5581–5	Fisk School	332	53	00
5740	Eng, No 14	339	10	90
5835	Work-house	379	183	05
5854	House Refuge	396	198	80
6845–50	Mad School	470	58	80
	City Park	55 sqr	24,319	35
All streets within St Peter to Julia, Carondelet Walk, riv to Claiborne			31,421	20
All streets within Florida, Bayou St Jno, Metairie to lake			173,619	90

490 *Mortgage Reinscribed Feb'ry 5th*, 1879, *Book* 19, *fo.* 14, *Parish Jefferson.*

2d D'g District.

Bill.		Sq're.		
589	Louis J Abrams	20	10	40
1084	M Abrams	113	35	50
1143	Mrs A Adams	8	57	60
25 *bis*	" C do (Schip)	10	2	90
1842	Jesse Albert	131–1	144	00
1486	F C Allain	43 J	8	65
1111	Ed Allain, Starke	455	6	65
1547½	Jno M Allen	24 *a*	16	20
403	Louisa J Alston	50	3	60
770	R C Alvarez	106	11	55
1551	Peter Ambrose	554	13	10
4300	Jas T Anderson	248	27	60
777	Jno L Andre	115	117	50
1125	Alston, C O Hardy	55	117	45
"	J J Alston	62	56	00
"	Do	67	139	50
820	H'y R Arbosy	9	3	00
104	Jno Armstrong	28	2	30
8, 209	L do	15	3	80
1186	Arnetchy, Jno Bauer	38	55	20
4029	J Arnold	294		65
1831	J B Arnoult	128	12	25
3352	Ch's Arroya	163	2	05
518	Asylum, female	185	145	60
610	Do Poydras	150, 31	36	90
1293	Do Cath'e, male	43	26	00
3248	Do St Elisb	136	74	65
902	Do O Boys	60	175	75
1068	Do do	15	14	40
1414	Do Sis Charity	10 E	144	00
3678	Ass'n, Eln'r Benev	274	2	30
1910	R de Armas	181–9	144	00
1794	T Askew	83	8	40
1658	U Astier	41 B	16	95
1854	E Aubert	136 *a*	27	00
1350	D Augustin	6–3	5	75
1877	L Autertines	127 *a*	16	98
1556⅔	S Avernous	26–2		75
116	Mrs L Bailey	24	12	80
301	Jno M Bach	193	74	25
3678	Alex Bailey	274	2	30
" *h*	Ed Balding	"	2	25
45	Mrs N Balletin	105	1	35
2004–8	Jac Baltz	70 *a*	16	60
1127½	Jas Bankhead	28	3	20
1113	L Bandy		125	75
458	Mrs T Barbet	J	3	85
35 *bis*	Wm Barker	618	47	00
1984	M Barnett	288–2	21	15
498	Barnet or B J West	20	10	70
1100 "	E Barnett	2882	13	20
35 *bis*	Jno T Barrett	672	6	90
1183	Sam'l do	505	6	90
42	F Barnard	5	4	95
3600 *bis*	C J Barstow	215	3	95
1945	J Barshal	206–20	60	40
1941				
1801	E Barche	204–15	62	50
1801	L Barton	83	5	00
911	Mrs J S Bateman	67	22	65
2004	Jacob Batz	70 *a*	5	05
2730	Wm Bauers	93	6	60
1988	Dr C C Beard	288	13	20
1921	A Beacon	189–27	48	35
2188½	Mic Becker	31	1	00
1301½	Wd R Becker	131	3	25
562	Geo Becker	17	3	50
505	Abe Beer	184	2	05
38, 209	Anna F Bell	68	43	70
" 54	Mrs M do	"	7	45
644	Jos Belson	31	14	30
48	C Benoit	6	1	65
209	Benoit & Moss	19 B	2	45
491				
837	Theo Bennet	17	12	40
1947	J R Bertrand	204–15	41	70
572⅔	F Berker	19	5	05
1620	Geo Bergerot	34 G	13	20
2187, 12 *f*	Rich Behan	67, 72	4	30
339½	Jas H do	251	5	00
479	Henrietta Bern'd	5	7	20
3879	Berg		6	00
4072	Chas Berkley	303	1	50
47	J M Bertin	6	5	25
1938	P M do	203–14	20	80
1377	Mrs Helen Beth	14 *a*	4	55
284	G Betzbetz	11	12	00
1852	J F Bigot	136 *a*	11	50
2997	H'y Bier	388	18	50
1119	Mrs Rob't Bins		259	70
1429	A Blanc	11 F	17	30
639	Jules A Blanc	235	4	65
1965	L M F Blanchard	8, 241, 242, 243	304	80
1884	G Blanderman	149 C	2	90
2119	Pat Blake	418	9	70
2948	Est Mic Black	112	3	00
1885	Block & Kerobe	149 C	23	05
1223	Est G Blanderman	6	14	95
4202	Theo Bois	12	2	75
4199	T J F Blanc	328	2	25
560½	F W Bobenger	421	6	25
3143½	H'y Baensel	187	2	45
100 *d*	H W Boese	8 *v*		75
384	Aug Bohn	157		90
1260	X Bolender	83	6	70
1919	P Bonfils	26, 189	95	05
1121	E L C Bonet	34	63	90
373	Mrs J Boneval	33	4	90
3005½	M Bonhom	156	4	90

Bill.		Sq're.		
1022	W Bonner	123, 124	117	40
1887	T O Boisseau	146 B	24	00
258	J Boregard	9	2	25
1830	J Bouche	108	21	65
238–338	T Bourges	21	6	30
1855	L S do	136 *a*	7	20
1883	S Bourdet	149 D	97	95
1452	J Bouvel	13 D	4	15
2170	J Bourke	49	5	30
744	Geo P Bowers	119	114	50
1018	M F do	100–120	129	60
1199	Bradford & May	504	54	65
2954	Phil Brady	112		80
4291	Jas Brady	346	1	40
27 *c*	D Bradley	43	2	55
1228½	F Brauns	6–5	4	75
3636	W Brown, Jr	274	1	00
3232	Aug A Breaux	134	5	70
1030	Geo Brewer	158	49	20
3278	Jno Breslin	144		70
671	Jas Brickwel	35	38	40
437	H'y Brinckler	7	2	00
1258	Hugh Brinckley	35	16	05
1931	Bringier & Leefe	199–5	23	85
501	Geo L Bright	192	6	10
1234	Do race track	1,526	70	
1991	Do cars	302	47	40
1877	Jean Courege	316 E	57	55
1906 *b*	Mrs J M Broadwill	170–4	138	25
1108	Geo H Brown, Gould	26–23	69	20
35	Sam H Brown	699	36	20
1551	A F Brown	26 D		80
1812–4291	J Brady	127 *a*	12	85
936	Mrs A Bronsema	346–83	4	05
1684	A do	288–2	19	40
	A Bronsema	245 B	136	50
1655	Est Geo Brooks	40 B	42	00
1642	Heirs Browson	191	1	30
492				
1551 *h*	J Bronet	26 D		80
671	J Brickwell	35	38	40
1489	P Buchanan	14 *a*	11	50
1199	Mrs M Buckley	60	22	60
2826	Cor Buckley	103	2	10
688	Mrs Budendorf	240	2	40
21–3	B Buisson	18	15	85
2247	Est Sophie do	22	4	00
273½	R Buissere	16	318	60
206	M Burkhart	M	1	60
206–53	Jane M Burchard	68	8	65
2445	Pat Burke	58	2	30
4286	Do	460, 1	40	50
209–56	L & E do	68	5	75
206	M Burkhart	M	1	60
960	Peter Burt	17	4	85
2513	Est Burns	69	1	70
2502	Ed D Burns	67	4	80
1543	Jos Burrows Field	23 *v*	5	45
1841	Mrs J P Burns	130	37	20
1896	Wid Aun Butler	153 *a*	115	20
778	F Byington	116 B, 117	252	00
823	A Byer	14	1	35
209	Ed Burthe	48	2	40
	Do	1–5 to	258	20
1125	D F E Burthe	68	112	40
209–28	Ed do	24	56	40
1125	St Vincent St Paul	35–38	536	75
"	Ed Burthe	39	131	60
"	Est D F do	42	128	00
"	Dan Char St V de Paul	143, 4	255	70
"	Elmore Dufour	50	121	00
"	H Chiapella	51	120	80
209	Ed Burthe	1–12	148	85
" 58	Mrs E H Wilson	68	27	60
"	Remick	113–15	295	30
"	Dom Pochelue	116–118	168	20
209	Sundry parties		36	00
1908	Geo W Cable	179	144	00
209	Wm Campbell	125–130	144	00
1998	Wm J do	311 D	90	65
1551 *a*	Wm do	25 B		80
1085	J H Campman	121	38	05
583	Est Mrs Candel	20	17	70
2086	Hugh Carey	385	1	80
1872	S Carey	145	120	00

Bill.		Sq're. *a*	*b*	
3867	Theo D do	383	5	85
2368	Marv A Carrie	49	3	05
2078	Est T Carew	384	2	60
207 *c*	O Carrahan	L 8	15	75
4155	Tim Carrol	322	1	65
2092	Wm Carter	19 B	2	45
574	Mrs G M Carson	30	17	55
1120	Jas Casey	23 *v*	5	45
50	F Castaing	10	21	00
3	P Canbin	4	3	00
1856	M Cavalier	136 *a*	72	00
1569	A Chaleron	26 D	6	60
1754	C & E Chamberlin	58 D	132	00
1755	Heirs do	59 *a*	134	80
1853	W A Champlin	136 *a*	5	75
3867	W'd J Chamberlin	382	1	95
120	E F Chandler	24	6	75
1013	Chase & Shumway	75	32	70
1805	Mary Chapman	104	156	00
704	W'd L Chapel	252	1	65
1251	Charity Hospital	31	8	75
803	C de Choisel	95 *a*	117	35
656	Mrs P J Christian	34	3	05
437	Am E Church	40	3	05
238	Church, Lutheran	29	4	35
574	Do Germ Ch	213	10	00
1626	Do Baptist	153	17	15
1939	Do Epis, St Luke	285	14	90
493				
2556	Church, Dutch	74	13	20
2593	Do do 2d	76	11	05
3227	Do Presb't'n, Left	134	3	25
3268	Do Meth, Felic	174	14	80
3620	Do Episc, Cav	218	8	75
3623	Do do	"	19	75
67	Do do Meth	11	14	90
1057	Do Presby	38	11	55
1065	Do Catho	47	7	90
1535	Do Presbyt	21 D	36	60
1677	Do Meth Epi	43 I	11	05
1732	Do " Germ	54–1	11	55
398½	T J Clarke	109	1	55
3665½	Mrs L do	230	4	45
3045	Theo do	32	2	40
1209	Do	74	82	25
1962	Mrs A Clarke	226 *b*	11	55
1981	S G Clarke	287	23	75
407	Robt Clarke	159	4	35
4241	Theo A Clarke	434	79	35
209–17	Jas Clarke	22	2	80
42	Clar & Faurie	5	13	00
1994	A H Clayton	304 B	51	85
1580	Wm Clooney	146		85
1408	Sam Powers	178–4	2,289	15
3456	Est Jno Colley	188	1	55
767	E Colfax	106	12	90
1837	Chs Collas	130	24	50
687	Chs Coffin	136 B	26	00
1348	Dr W Cochran	66	8	05
209	Ed Connell	71	5	80
826	Hugh Conner	14	6	50
4055	Jno Connolly	296	4	45
3018	Thos M do	39	9	85
156¼	Mic P Concanan	1	3	05
209	Cong Missions	372–5	3	90
1936	Cordevil & Lacroix	203–4	49	50
1064¼	Corson & Christian	42	28	80
4262	Robt Copland	376		70
1448	Jas Cole, Farley	103		35
1858	Minors, W P Coleman	137	62	10
164	Eug Collins	22	9	45
1980	Emile Colon	287–4	20	75
1891	Mic Condron	151	169	90
238	Pat Connors	33	4	20
1187	L Fischel	495	118	85
1026	Peter Conroy	134, 143	205	15
209	Cong Miss	37	2	35
1897	Mrs J R Conway	251	2	45
240¾	S H Correy, city	27	5	05
1697	Mary Corcoran	196	2	40
1446	Mrs G P Cornel	292	28	85
2140	F Cook	30	4	90
"	Mrs Gus Beck	143	4	55
1690	Paul Cook	434	22	35
1799	E Crawford	83	9	60
1798	J L do	"	4	80

Bill.		Sq're.		
3353	Miss T G Crawford	153	2	00
2097	W H Crutchford	19 B	2	45
4198	Mrs Jas Cullen	327		80
2592	Mic Culloden	76	5	55
1027	V Curel, &c	124	2	30
3337	Asa Curtis	154	2	60
1165	Jas Currin	449	1	60
1551	M M Cuningham	26 D	3	00
1215	P Cummings	124	30	25
1137	Est J B Darmouth	3	7	75
2857	Jno G Damm	106		30
263–2	B Detagnon	8	12	75
1857	Heirs C Darby	137	47	05
1629	Dasto, McPfeifer	154	2	10
168	*a* Geo Daumer	7	2	70
391½	Daught. St V de Paul	150	102	90
100	Jno Davenport	22 R	9	35
494				
33	Dom Davezac	4	6	25
278	Mrs Aug do	134	3	65
536	Est Theo Daveron	11	2	70
1850	J Davern	136 B	11	60
4104	Jno L Davies	419	136	75
612	P E Davis	25	9	00
1504	G L E do	289	5	30
1985	E A do	320	9	60
1178	Val do	37	5	75
3				
717	J W do	55	1	40
1192	Chas Deake	49	3	50
1646	Lucas de Bruno	40 *a*	8	65
209	P Deffez	V	10	65
1468	F X Deichelborher	14 *a*	6	30
434	J B Defourget	161	6	55
1351	M Dehoney	6–3	1	45
825	Caro Delachaise	14	1	85
	54 A P do	37	254	70
	" Mrs F do	47	96	80
1339	" Delasus	6–7	9	15
1272	" D H Delacroix	37	11	00
	23 Delaspere & C	10	21	00
63¼	G Devant	8	1	70
1218	Chs Debigny	15	1,318	25
1219	Mrs do	26	409	95
1178	Val Devis	37	5	75
3054½	J D Devany	"	1	60
1934	Minors Devereau	201–10	93	00
1544	Geo Detzel	23 *u*	5	60
1819	A de Young	127 B	16	95
209	P Devise	V	4	35
1347	Est A B Dewling	6–6	21	60
1005⅚	Anna C Diggs	59	16	65
1636	Jas Dillon	36 *a*	17	30
3901	Est Thos do	273	4	95
3050	Mrs Celina do	37	4	45
377	Jno Dirr	33	4	20
147	Chs E Deikman	60	2	65
1251	B T Dixon	542	4	35
1625	J P do	34 H	52	80
1301	Nelson do	4 D		90
2287	Jno Doell	154	2	80
1961	Dolbear, Fortier	222	432	00
3298	Ann Dolan	147	5	75
1558	Jno N Dolin	26 *a*	6	00
1971	J S Domingo	273 H	216	00
1153	E Dominique	12	5	75
3810	Donegan & Quade	259	21	20
337	Aug Dorville	215	4	45
1437	Sarah Dorman	102	4	30
810½	Thos Dowling	277	5	10
	F Dowling	34	86	85
2337	Sam Dawty	45	15	40
3970	Wm Doyle	286	1	20
2187	Doscher	301		65
1198	O Driscoll	570	73	60
1311	R Dreymeir	5 G	8	00
24	Chris Dreyer	16	3	30
21	L M Dubourg	3	7	20
2319	*a* A Dubert	43	4	35
3800	P A Ducros, J	258	5	00
1493	V Duclosel	14 *a*	14	40
28	F Dufenbach	43	2	15
779	Jos Dufant	118	28	80
3¾	J Dufrechou	4	6	55
9	J M do	"	8	15
226	Paul & Pierre do	2	4	35

Bill.		Sq're.		
1573	Mrs M Duffy	345	3	75
4194	Duge & Fortier	326	6	65
1330	A Dumestre	69	2	60
1260 / 1556	J Dunn	25 C / 26 D	12	05
2330	Jean Dupey	5	4	50
513	Josephine Duprey	7	4	20
1335	Theo Dunne	384	36	60
495				
1062	H Dupon	46	51	15
1970	T J Durant & Kendig	271 A	144	00
3882	J E Dutillet	235	2	90
1881	Louis Dutel	148 B	144	00
24	Chris Dwyer	16	3	30
1478	Jas Duveuay	83	1	10
209	*c* Lewis do	38	4	75
1575	Rob't Dyas	145	3	05
1785–95	Jas Dwyer	421	3	50
2100	Pat Eagan	389	2	40
3070	Wm Eagan	39	10	15
35½	D W Eames	570	322	55
146	Do	1 to 39	105	75
3963	Jac Eberhart	286		65
759	D D Edwards or E Davis	99	79	20
1067	Jas Edwards	49	7	20
1727	W W do	53 D	2	90
560	Est S. Elder	17	14	40
1704	Jos Ellison	199	5	50
1686¾	Jo G Ellis	45 *a*	66	00
3347	Hy Ellerman	159	6	00
1583⅞	Aug W Elliot	30–2	4	00
1482	H'y Emde	14 *a*	8	65
3096	Oscar Ello	70	6	35
664	Lewis Engle	247		35
1452	H'y Englender	13	8	40
209	M Energola	48	4	80
743½	Wm Emerson	78	4	30
1229	A Ero	26	23	05
384	Wm Emnler	275		60
1944	S Esprit	206–20	11	90
166	Jac Everhart	8	2	80
2537	Est D Fagan	71	1	60
1331½	H'y Fahl	5 *c*	5	05
4027	C Fanin	293	4	05
29–11	H B Farquar	111	1	20
1572	G Farel	51	4	85
1232	Fasnacht Bro Met		104	40
1791	Jac Fay	83	2	20
2920	Ed C Fennoir	109	1	40
1391	N S Ferth	41 B	50	15
1665	Suc A P Field	193	1	95
1829	Mrs R M Fiescher	128	24	75
1125	W H Finnegan	18	84	65
1792	W H Fitkins	83	8	60
1447	Fire C Ind	12 B	1	30
1367	F Fischer	7	2	60
2519	F M Fisk	43	9	10
1895	F Fitz	153 B	23	05
590	A J Fitzpatrick	201	2	00
1058	Andw do	391	3	85
1814	J Foley	127 *a*	11	30
870	Ellen Follin Cramer	34	1	80
151	L E Forstall	188–23	126	00
1679½	Js Forcheimet	190	1	60
622	Mrs J N Fohvel	235	2	35
1068	Chs Foltz	41 *a*	10	55
332	Maria Fontaine	17	4	85
1561	Mary J Fleming	144	6	15
2334	Ed Flood	45	18	50
2002	Theo do	67	8	40
4239	Chs H Forno	375	6	60
12	*g* B Flynn	67	4	65
1070	J B Fortier	52	115	20
4221	A do	330	1	50
1132	L F Foucher	Tract	13,330	35
197–3	N do	274	108	00
1870	S Foulet	141 *z*	115	50
	6 H Flashpoler	18	2	40
422	Ch J Fox	63	1	35
1099	Mary A Fox	390	1	00
1340	*b* L Frauth	5 C	5	70
3813	J Frawley	259	4	45
927	*a* D Fraser	33	2	75
496				
3665⅚	Wd Francois	231	3	05

Bill.		Sq're.		
1040	Theo Francois	6	4	00
209	Mic Fresche	88	99	00
"	*v* Jos do	3	8	65
3353	Wm A Freret		22	70
1879	Wm Freret	270	364	00
407	G J do	53	4	45
1561⅛	Fred Freeman	1	1	50
1982½	Wm J do	72	4	15
574	Aug Freckler	29	5	72
1750	Jos Freizelman	57 E	11	55
822	*g* Friend & O'Brien	12	5	60
331	Thos Friend	17	8	35
2130	Jno Fritcholtz	2	1	95
1092	Jac F Fritz	391		75
1020	Fred Frey	120	59	40
35	*bis* Chs Fuchs	700	45	05
1790	A C Fulton	83	4	40
4203	Jno Funk	329	3	80
1789	Aug Guillard	82 B	144	00
3002¼	Jno D Gaiser	473	111	00
3861	Robt Gainsley	268	2	70
3360	Chs Gallagher	165–184	9	20
3433 } 640 }	Saml Gardner	{ 29 / 17 }	6	40
549	Mrs Jas Garner	190		60
2158	Jas Garner	153	4	90
1523⅜	James Garey	20 B	1	50
2028	Est Jas Garey	351	4	80
724	Hanah Garner	57	3	00
148	F Gautreau	23	3	80
442	Ad Gehle	D	5	40
1684	Ph Geiger	44	104	15
1563	Jac Gerold	26 *a*		85
2855	Jas Geraty	104		80
2003	Chs Gerber	70 *a*	3	60
2637	Es Fr Geog	82	1	80
2982	Jno Gibbon	115	3	50
1520	Alex Gibson	17 D	4	30
3941	A Gillespie	279	8	85
1968	Ruth Gildsleve	24	3	10
656	Gilles, Alfshaw	238	8	80
1225	W T Gilmore	9	61	25
3433	Tho C do	17	16	50
61	J W Given	199–202–11	18	60
1221	Mat Gleason	54	1	05
1085	C J Gleises	391		60
3645	R W Goodwin	222	3	60
1303	Est W C Goodrich	5 *c*	4	25
139	Jno Gorman	28	16	00
4177	Theo Gorevon	325	5	00
1839	Chs Gotchalk	130	14	40
368	Mrs C A Gould	29	3	60
993	Jno Harris	35	4	80
"	J Edwards	49	21	00
"	J M Gould	23	54	25
678	Jno M Grace	39	1	80
842	Jas Graham	208	2	90
824	Jno do	14	10	55
89	Wm F do	358	5	90
769	Susan Graig	106	31	70
993	*bis* G W Graff	32	10	10
1653	Hugh Grant	192	5	45
85	Adam Graner	14	5	00
4066	Jos Grace	97	8	85
1254	Mrs Robt Gray	35	1	55
1097	B Greichgower	16	119	30
1669	*b* Emile F Gros	42 I		70
1676	Est Mic Griffin	43 J J	4	35
1114	J J Guiterez	98	213	05
696	J C Bach	42	7	45
1200	L A Gunst	743	84	10
1222	do	3–18	222	80
2843	Jno G Haas	103	2	25
"	Geo do	10	2	55
166	Dave Habis	8	4	15
497				
434	Ch Hagan	1	4	10
430	Jas do	299	2	90
1271	Mr Haines	4 K	2	80
10	Jno M Hall	235	3	65
384	H'y F do	157		90
209	Ben Felman	19 B	2	80
1865	Wm Hall	139 B	12	50
2311	Wm Haller	33	2	10
172	*a* Thos Hale	182	9	95
1949	M F Haley	207, 22	11	90

Bill.		Sq're.		
2310	Pat Halpin	42	5	35
1182	W A Hamilton	5	7	55
1770	Jas Hamelin	71 B	43	20
2288	Est P Hanson	28	18	00
1352	C Hans	6–3	11	55
1127	Pat Hand	413	1	50
1187	W W Handlin	720	3	05
209–60	Jas Hanlon	70	9	30
4373	H'y H Hansel	317	2	75
3270	Jno H Hanna	174	11	05
1895	Amb Hanton	251	3	30
2515	B & F Hannon	69	6	15
660	Mary F Hanegan	34	1	95
1860	Thos M Harris	138 *c*	15	20
942	Mrs L Harrison	8	156	90
3709	B S do	239	4	95
360	Same	47	9	60
3829	Helena Harrison	278	10	00
12501½	Alex Harris	Bat	18	90
4172½	Mrs Jno Hardwick	378	3	40
237	W F Hauser	4	2	10
234	*a* Mrs L Harper	21	6	20
1952	Ben Hart	208–24	148	80
2129	Hartigan	296	1	50
1820	P Harty	137 B	39	45
563	Rose Hartel	17	8	25
209–22	Bd Haul	22	2	80
765	F'k Haumer	103	12	95
209–75	Geo Hawkins	51	8	00
2087	Ed Hayes	385	1	20
1609	M'l do	33 I	20	65
614	Loc Hazeur	24	48	35
1236	Hazeur Bro	Met	15,100	80
1202	L A Heaton	741	106	30
1230	do	30	323	75
1272	Geo do	51	3	55
985	Geo Herbeyer	37	4	85
698	Julia Hegeau	44	4	80
1509	Ad Heene	16 F	7	20
1081	Ez Hiestand	102	101	70
1617	Mrs do	34 G	9	00
1996	Jno Helerick	311 *c*	19	35
1847	D Hemm	136 B	2	90
2785	J H O'Connor	97	1	80
4294	Jno Henderson	474	87	60
3672	Do	286	9	50
1928	A Henrickson	1984	144	00
437	Theo Henry	40	6	15
1557	Mrs E N do	25 *c*	11	55
1568	" " do	26 *a*	17	60
2251	Theo W do	22	3	30
1252	F'k Henner	52		80
2940	Est Levi Hening	111	9	90
645	Fred Herman	300	5	50
3631½	Ph Helleran	219	10	15
3829	L Herberger	270	2	00
209–47	J A Hertman	34	7	70
209	Geo Heuchert	4 I	16	60
989	Sam'l Hill	40	1	40
3678	Sarah A do	232	18	00
"	*b* Wd Dav G do	"	2	25
53	H W Hills	51	1	20
4222	Louise Hincks	336	23	05
1901	Geo Hillman	467	330	20
498				
35	*a* J G Hodges	616	139	60
989	*c* W G do	40	2	80
3045	Jno Hoefner	32	2	25
3317½	Jas Hofman	152	2	10
1768	S L Henry	71 *a*	6	50
"	Jno Hoey	88 *a*	842	00
1922	Is Hoffer	196 *a*	1	20
85	Geo M Hofner	27	1	60
209, 10	Jacob do	15	7	65
1023	T Holden	127	40	55
655	J J L'Hote	238	5	60
862	Fd Hollander	288	4	35
1920	N Holmes	189–26	48	95
1565	A Hawel	26 *a*	11	55
1468	Jos Holtz, Payne	13 *a*	45	20
1015	G A Holtzman	25		85
424	F Hottinger	74	18	20
1993	M M Hozey	304 *a*	16	30
209	L Hubert	82	2	30
480	Wd Mi Hubert		1	20
437	Heirs Hurst	98	135	75

Bill.		Sq're.		
889	Mrs Z Hutchinson	49	7	40
1765	Wm & minors do	208	2	15
1806	E Hughes	105	4	35
871	David M do	142 D	132	00
2126	Pat Hyland	452		60
613	A Hurtibisi	33 J	126	80
1774	Ph Hunsiger	2d 65 B	9	90
146	H'y M Hyams	Plais	241	50
147	Do	"	161	00
1859	Sophie Icard	137	27	00
895	Pat Igo	7	22	40
1482	Th R Ingals	153	115	20
3435	Mrs J R Irwin	185	1	70
1912	Ed Ivy	183-13	421	60
1950	R Jacobs	207-22	62	50
1976	O P Jackson	285-8	76	40
1851	V Jamain	136 B	43	20
3383	Sam Jamison	238	5	20
209-61	M A Janin	71	14	70
1904	J B do	167 B	576	00
2572	L Jaeger	75	1	60
519	J Jeremo	24	10	25
2507	Jews' Syng	69	2	60
1338	H'y Joachim	82	3	75
4269	F Johnson	377	1	80
707	Sam'l Johnson	284	1	25
3874	F do	271	1	50
4302	F do		3	90
2326	Wd Louise do	45	1	10
654½	Clem do	33	1	80
1437	Est Wm Jones	12 E	17	30
4097	W D do	315		75
1488	Wm McC do	39	4	90
1552	Jones & Johnson	25 B		85
1534	P Jourdain	21 D	77	05
574	Geo W do	18		80
79	Jo Jouet	25		80
1664	A K Josephs	193	4	95
209	Nic Young	18 B	60	50
3564	Louis C Jurey	209	4	85
1122	Mjles Johnson, Bloom	9	13	70
3002	Peter Kaiser	428	70	90
209	O H Kartendick	19 *a*	121	00
592	Herman Katten	21	8	35
3958	Wd O Kavanaugh	295	10	35
1995	R Kay	304 B	86	40
1357	Wd A Johnson	6-1	5	75
1292	Peter Apfel	4-3	13	50
1245	Chis Pfeifer	1-24	16	25
1362	Jno D Kamper	36 B	23	05
1446	Mary do	12 B	130	20
985	Geo Keberger	37	21	60
3138	Rich Keen	121	4	20
499				
2402	J Kiesteiner	54	3	50
2796	R G Kendall	98	4	20
2154	Mrs L R Kenny	5	6	50
464	Wm E Kennedy	181	4	20
1205	D F Kenner & *al*	Met	146	35
1336	Minor do	6-5	9	15
1371	Stephen Kerner	7*a* & 1	13	20
3546	Louisa A Kerr	207	1	95
2518	Mary Keogh	69	1	80
670	Ann M Kiberg	238	2	65
1102	Wm Kickham	416	1	65
1487	R King	14*a*	5	75
327	Mag Kirk	17		50
2366	Elisa Klein	67	4	95
2133	Jno Kleinkenper	48	3	80
2801	H Sturmberg	99	3	05
3279	H Klaising	144		70
1331	C Klein	5 B	5	05
1760	Theo Klein	65 B	3	35
1940	J H Kliforth	203-13	144	00
425	Wd Jno Knor	160	1	20
1699	Mary G do	298	576	00
2 / 209	S Kohlt	*a & b* / 10	3	00
1552	Jno C Kohlman	26 D	42	45
1783	Jas H Burton	77 O, 77 *a*	33	00
1332	Jno C Kohlman	42 J	9	00
3065	Do	7 & 6	4	70
1308	Do	5 G	48	40
1310	Cath Krees	"	5	60
1338	M Kron	82	7	50
322	Barbara Kron	16	4	20

Bill.		Sq're.		
1034	n W A Kurten	12	2	60
1479	A L Labarre	14 *a*	18	25
1424	Celina C Labarre	53 D	11	55
1943	F Labarthe	206-20	47	60
1873	Jno Labat	145 *a*	27	00
312	Mrs J Labat	13	4	70
	Chas Lafitte	51 *a*	10	00
1181	F Lacroix		10	85
209	Do		72	75
1125	Chas A Benedict	124-132	116	20
44	F Cass	6	10	00
1551	J V Langman	25 B		80
224½	M D Lagan	117	1	05
117	Est Louis Lagnes	24	6	40
1552½	Hypo Lahon	281 *a & b*	252	00
1550	J B Boirron	296 *a & b*	252	00
1715	J Lalonliere	52 *b*	5	75
1716	Z do	"	5	75
2260	Em'l Lang	23	1	10
209	P J M Langdon	P	28	80
1160	D Landrigan	449	4	70
238	J Langanstein	21	4	20
351	J H Lang-field	155	19	60
2094	L Lambert	385	6	55
1832	J Lapine	128, 9	15	05
489	F J Laizer	8	44	25
266	Fred Pohlman	97	5	90
1890	M L Beebe	15 *a*	144	00
1180	Emile O'Brien	507	124	40
1818	L M Latapie	127	23	75
2488, 9	F Lauer	65	5	05
463	Jno Laughlin	1	4	00
4101	J J Lautier	315	7	30
2187½	Ph Lauman	72		80
1124	Geo C Lawrenson; Bloom, pue R Geides	9	1,178	25
1935	Theo Lawson	2019	18	60
1101	Wd Layet	24	54	25
2343	Robt Layton	46	1	60
815	Jno Lehey	276	6	80
495	S Le Blanc	4	4	20
1845	L beau & Cavalier	135	312	00
505	J R Lecourege	6	3	60
1064	A Lecourt	47	8	65
500				
2649	Ch's Ledig	83-93	6	60
1227	Wm C Lee	11	89	60
113	H'y Freilson	217	7	80
772	Ed Legros	243	2	35
1386	D Lehr	10 *a*	2	90
209	L Leible, w David	5 G	7	40
428	F'k Leidenheimer	4	6	00
2020	Conrad Leithman	31	4	95
2021	Val do	"	5	60
554	Mrs Jos Lenes	256	4	60
4057	Andrew Lenox	297		50
690	P Leonard	40	4	10
194	H'y J Leovy	478	7	38
165	Geo Lesasier	27	3	75
1159	E M Levy	12	5	75
703	Lionel L Levy	45	139	20
627	Jac Levine	235	6	25
1937	J. H. Lewis	203-14	35	75
353½	G W Lewis	570	368	10
1178	Fanny do	723-37	5	75
1358½	H'y Lewenberg	11 B	10	10
437	M Libert	1	9	30
2542	C Leinecke	72	4	95
1498	Lincoln & R	113	4	10
1760	Alex Lindor	83	6	00
1533	Jos Linemer	21 D	5	90
4110	P E Levaudais	317	11	70
89	G Theo Lockhart	358	4	00
3461	S W Logan	189	5	40
315	And Loge	14	4	20
1861	Jos Lombard	138 *c*	67	80
341	Est P Long	20	11	05
2410	Mrs Jno Long	55	4	20
2411	Est Ph Long	"	4	80
2412	Mrs Ph do	"	5	05
1902	J C de Longpre	165, 6	676	00
1280	J & W Lovie	20	1	15
1907	Dan Lose	177-1	39	00
519	John Lyall	189	10	50
463	Mrs E B Lyons	181	2	55
3952	A Lyman	282	5	30

Bill.		Sq're.		
1338	Geo Lynch	6, 7	7	05
1646	Bruno de Lucas	40 *a*	8	65
4317	M L Luther	522–43	277	25
3960	R M McAlpin	514, 285	6	10
1527	P Lawson & Co	67 B	7	20
2160	Jos D McCoy	7	3	20
1086	Wm McCulloch	122	23	45
429	Marie L G McCall	160	1	80
2158	F X McCarthy	22	1	00
1052	Mrs M Lyons	34 *pd*	28	80
403¼	P McDemare	50	3	60
486	Sam'l McCall	183	46	30
403½	Pat McDemare	50	3	60
1011	H McCloskey	70	81	70
1072	Est Jno M C	54	25	20
799½	Jas McDon	150	1	55
1619	A McGibbon	34 G	35	40
2053	Mrs R McGines	353	1	40
1343	Peter McGinn	82	1	20
885	P A McGuire	44	21	20
4061	P J do	297	1	65
3049	Susan do	32	1	50
1172	Mrs Jno McGuire	449	3	15
1567	J McHenry	26 *a*	80	15
1581½	Jno F McHenry	147	4	35
1689	Ph H McIntyre	48 B	62	30
274	Logan McKnight	91 B	5	55
218	Wm McLaughlin	261	20	95
4322	Peter McLaurin	283	7	20
810	Mrs Jas B McLin	154		60
1750	Est Ch McMicken	30	4	20
1823	Mrs B K McMillen	128	36	95
2050	Jas McNally	426	115	40
3406	R McNaughten	176	2	10
196	Alex McNeil	100–79	3	50
501				
613	Wd A McPherson	217		55
65½	Mic McQuade	276	7	80
2187	Jas Mc'tae	72	1	15
1836	Mace & Eagan	130	24	50
553	Peter Mader	8		95
401	Const Mehart	158	3	95
94	Wd H Maddeu	244	3	25
	Chris do	718	27	20
2271	Est Jas Magee	24	5	10
2053	Wd Jno Maginis	353	3	31
180	Geo Mahle	10	3	00
945	Danl Mahony	324	2	00
2254	do	307	2	00
1958	E Mange	22 P	34	55
871	& 5 Manning & W	56	3	95
2520	Peter Manning	31–69	8	25
611	F Marchessan	33 I	5	75
3787	L Marchand	258	10	00
4241½	L A Marmio	352	4	60
1925	Jos Marks	196 *a*	6	40
775	Peter Marley	111	60	95
	5 G Eliza Marsh	19	1	60
4158	Jos Martin	322	2	50
1038	W R do	358	5	15
1380	Jno do	7 *a & b*	2	70
1560	M do & M	144	1	20
482	And do	2	1	90
3636	B Marx	224		75
2033	R Martinez	413	10	40
1879	Jose do	147*a*	120	95
4300	T A Marvel	248	27	70
1691	M F Masset	48 B	10	35
1780	F Mattle	72 *a*	9	00
413	Anna H May	55	21	20
1029	May, Eager	125	80	20
1187	Geo May	155–6	635	40
1435	Wm Mayo	11 G	5	40
994	Mary A May	53	9	15
209–15	Bap Melodius	...	2	30
1906	Mennet & Garcia	171–5	18	00
2326	Ch Mensman	44	15	60
209	Z Jno Mesiah	19 B	2	45
4250	Saml H Meyer	465	34	15
4093	Auto do	314		75
5½	Mrs Jacob Meyer	184	1	35
123¾	Wd Jno do	4	5	95
1923	J F do	19 *a*	20	55
1887	Chs do	288–1	21	15
1246	Meyers & Block	1–30	5	40
2702	Bd Metzker	90	3	45

Bill.		Sq're.		
1234	Metairie Ass'n	4,644	40	
986	J J Michel		197	40
209	Millandon, T		925	20
fo 151	do	3,960	70	
3414	Thos D Miller	179	5	00
3111	Jac do	117	15	85
1764	Minors do	66 *a*	10	10
1948	Theo Miles' est	207–22	6	00
432	Ernest Miltenberger	41	36	30
"	Alphonso do	15	119	45
4084	P Mitrano	309	12	40
3736	Steph Mitchel	240–247	27	20
1330	H'y Molman	5 *c*	12	60
1599	Mrs M Moligan	149	4	25
2094	Pat Monagan	10	3	00
1304	E Montegul	5*c*	5	70
1163	C A Moores	17	10	10
32	Clayton Moore	53	1	00
1582	Chs do	30–2	17	65
1813	J do	127 *a*	5	60
1939	B Moreno	203–14	60	45
1753	J Morin	145	176	40
2650	Ph W Mohr	83	3	15
	Millandow Tract Caro		490	00
1435	Wd B Moore	119	20	25
4243½	Paul Manchow	4th dist	6	65
502				
1870	B Moriere	142 *x*	71	60
1889	Mrs D Muhs	150 B	18	00
1168¾	Mary Muller	17	8	65
1392	P do	8 W	12	90
4066	Mrs W do	302	5	50
234 *b*	Jno do	21	4	20
1299	Theo do	4 *a*	15	15
3702	Dan Mulligan	237	8	35
207 *b*	Peter do	L	3	60
3657	H'y J Mullen	229		60
2473	Pat Mullen	63	5	95
1501	V Munck	15 B	28	00
1298	W & A Murdock	45	16	00
663	Jno Murphy	238	6	15
437	do	7	2	60
54¾	James Murphy	8	6	20
4107	do Murray	316	1	80
5½	Mrs Jac Meyers	184	1	35
1101	Mary Neilson	24	54	25
4292	G W Neutz	451	84	50
209–62	L Newhouse	71	8	65
1263 *d*	Jno P Newman	33–2	5	15
1720	Nicholson & S	53 C	4	50
1014	Est B F Nickols	71	21	45
1816	Theo Weightenger	127 *a*	34	80
28¼	Pat Norton	43	2	15
726	Normal School	253	24	15
1883	Est J Nutter	129	283	10
1997	Est S W Oakey	311 D	35	30
654	Jno A O'Brien	237	1	75
922	Theo Odoul	77	15	55
932	Pat O'Dowd	5	8	70
434	Mrs Geo W Oliver	212	8	15
1485	Oliver, son	14 *a*	1	80
403½	D O'Sullivan	23	112	30
77	Jno Page	12	4	95
2317½	H'y Palmer	110	11	20
3648½	Ed Palmer	222	4	50
1969	Mrs Pandelly	253	147	90
4296	Dan'l Parish	508	203	20
"	H'y do	499	153	80
1488	Mrs W C Parker	38	12	80
1807	Ed Parker	111 *a*	156	00
1559	Park & Ryan	26	8	65
1951	H'y Pariange	209–20	148	80
3032	Doc G W Parmly	31	2	00
3433	Mrs L C do	184	7	85
2036	Mark Patterson	352		85
4277	Chas do	393	19	85
1349	Geo do	6–6	9	25
1355	C do	21	629	35
11	Alfred Penn	44	9	50
1178	D Pendergast	459	6	65
2135	Alex Pentland	2	1	05
209–55	Wd W C Pepper	68	11	55
1977	Wm M Perkins	283	967	15
2302	J W Person	137	7	70
323½	Peter Pertzof	14	2	65
1905	M F Penigia	1692	144	00

Bill.		Sq're.	
209–16	Alex Perret	22	2 80
Rick v	J H Pearson	4,740	40
St Jo	J A Peniston	St Jo	895 50
4235	Mic Peters	347	2 45
1179	Mrs E C do, on	37	4 35
1301	Theo do		1 40
2000	Mrs A Petingel	321	6 35
881	Jno H Peyton	170	1 10
1454	L Petzold	13 *d*	4 20
209–96	J. Pfeifer	15	3 80
1997–356	Moses do	321–155	3 60
1986	F do	288	44 90
22	D Piequevil	3 Plais	2 5 60
1610	C A Pieron	33 J	11 55
842	Mrs J Piffet	208	6 80
503			
677	Anna Pepper	39	1 80
1882	Levi Pinel	128	24 50
119	Jos Pique	24	4 00
857	Jean do	28	5 40
22	D Pievil	3	11 15
4307½	G E Pitcher		22 90
1963	H J Phelps	229	36 00
1808	E H Pomroy	111 *a*	136 50
1892	Mrs V B Pool	152	147 90
1117	Susan Poland ; Bloom, g		61 70
1551*l*	Pollard & Wilson	260	80
1558	E Porce	26 *a*	102 00
682	Wd Chs Porche	39	2 00
1473	Geo Porter	14 B	12 50
1260	Mrs Ham Porter	25 *c*	2 40
1463	Wd Mary do	13 B	4 35
1456	Mrs Chs K d-	13 C	27 85
1140	Jas Pollock	424	4 40
645	Geo W Pope	30–32	10 10
403	F Pont	50	2 90
749	Est Jno Pohlman	83	27 00
1887	H Poysat	149 *c*	23 05
1990	Sam'l Powers	299 *a* & *b*	252 00
1906	A C Prevost	170–3	144 00
94	Julia A Price	17	95
546½	Mary S do	14	3 85
414	J W do	55	11 55
2019	Wm M Prescott	71 B	63 00
4256	S Presburg		11 05
1125	Wd C Prest		129 60
1769	Prestons		37 80
492	F Preston		474 15
1498	Est J T do		100 75
1840	R L do		61 20
1800	Mary Proctor		9 60
1903	Mrs M V Puchen		288 00
1572	" Puchen		11 55
1225	J T Purcel		52 50
1592	Sam do		32 25
1887	Henry Poyat		20 15
1615	P Quesnel		17 85
1797	P H Quick		6 00
2097	Jno Quinlan		6 60
1901	Mrs H Potts		727 75
1237	Jeff'n & Lake railr'd		5,033 60
1384	Est Geo Rareshide		18 75
258	Anto Rapp		5 25
	To Book 3		$95,041 55
2803¼	Elizabeth Rappel	1151	1 85
1408	E Raymond	26 D	5 75
1988	W T Raynal	288–1	13 20
1982	Louise Rea	2874	39 60
49	Maria Recurt	6	1 70
1204	Est S M Reid	½-Way House	26 90
1916	Jno F Reeves	188	144 00
106	A B Reading	121	8 90
1174	Jno Regan	449	1 80
375	Jno Reilly, 2d	33	4 20
703½	Mrs P do	146–347	11 65
3809	Chris Reinhart	302	2 80
753	Fr Reitmeyer	254	4 80
1954	A Remy	209–25	14 90
1876	Remy & Lombardo	146	48 00
1953	B Renau	209–26	81 85
35	Rey & Mehle	4	10 80
1073	Jacob Rice	55	12 20
406	W D Rickurby	50	3 60
1024	Heir Sam Ricker	1,090	00
1909	J L Riddel	180	36 00
1511	Is Riffard	11 F	3 60
4289	Mrs R Riggs	20	5 50
1182	Ed Rooney	5	5 70
2441	Wid Jno Rising	57	1 50
3859	Anto Ritter	270	232 25
504			
1332	Ed E B Robinson	5 B	46 85
1172	Louis Robert	27	3 20
1490	J B Robinson	300 G	1 26
1438	Mrs E Robinson	12 E	5 75
569	Evelina Robts	18	10 50
4396	Jno Rochm	7	11 55
2787	Fk Roder	157	1 50
1955	Wd F G Rodewald	219	136 50
121	" do	139 E	180 00
1914	N Rogers	186–9	154 55
1886	J D do	149 *c*	34 55
1685	W H Rogers	44 *c*	86 40
1034	Jno Rohan	Rust	3 90
1929	Jno Rooney	198–3	36 00
1987	Mic Rooner	81	144 00
745	Wm A S Rondeau	112	67 60
1793	Chs Roney	83	12 00
2215	Ig Rossi	18	2 20
1618	W C Roselius	34 G	4 15
4113	F Rose	319	3 30
758	Rose & Waples	99	64 80
4196	Wm Rosenthal	326	2 50
1063	Mrs I Roux	47	11 55
1164	Ed Royal	17	8 65
1495	Mary Runk	53 D	9 75
3881	Wm Ryan from McD	272	2 90
1826	T Ryan	128	23 55
1765	Mrs R F Sadler	208	2 15
4250	Geo W do	362½	14 10
"	Do & Uriah do	471	12 65
48½	J Salvant	500	39 00
1139	P Saloy	424	3 65
3241	T C & S Salter	1 5–289	9 00
247	C C Sampson	121	4 75
1656	W Sandkotter	40 *b*, 65	7 20
40	J Santilla	6	3 35
2115	H'y Sandman	418	2 40
176½	Jno Sarnagot	10	1 50
291	Est J M do	11	9 55
1670	J Savoy	42 I	6 30
121	Seamen's F So	46	7 35
1059	Comrs 2d dg dis	197–1	75 00
209	Ch Seelstrang	94 B	156 00
"	Jo Sepers	19 B	2 45
213	L Sinot	1	7 20
1439	Est Jno Sewal	102	1 25
1116	B W do	201–10, 202–12	213 65
1733, 4279	O Scanlan	393	5 75
4100	Chs Scheffel	286	4 00
1228	Fred Scheufel	31	3 55
1290	F Schmidt	4 H	10 70
799	Nic do	31	3 40
4055	Fred W do	37	1 50
209 *v*	Julius do	19 B	12 20
774½	Nic Schneider	110	42 70
796	" do	6	13 45
2363	Peter do & wife	48–81	10 35
661	Louis do	34	15 35
960	Louis Schorman	323	2 30
1455	P Scheid	13 D	4 80
667	B Schoernbs	34	7 50
156¼	Clem Schoemaker	1 St Jo	1 50
3906	M Schroeder	275	8 90
810	Wd Wm Schreiber	27	1 80
3883	H'y Schrimp	256	1 90
1319	Wm Schroeder, Jr	43 J	12 10
1632	" do	35 Ev	12 95
1770	P Schuman	71 B, 2	72 00
1960	H G Schultz	221 B	57 60
2919	F Schuber	108	8 15
1614	J H Schweitzer	34 G	3 20
1172	Cyrus Scott	27	3 20
1064¾	Jno H do	43	7 20
103	R Schakelford	20	18 65
505			
1835	Wd Jno H Sharp	130	11 55
881	Shaw	43	9 85
1529½	Mrs Jno Shay	21 *a*	6 85

Bill.		Sq're.		
2013½	Jno Shay	22 R	3	20
68½	A E Shutz	10		75
1294	Theo H Shields	96	6	90
1940	David Sidel	208–23	148	80
337½	J S Simonds	218	4	80
2384	Dav Simon	50	3	55
1770	P Simms	67 B	63	00
2964	Tho Sinot	151	1	00
35	Jno Slidell	123	3,327	95
1804	Thos do	95 B	16	55
1911	Mrs do	303 *a*	144	00
799½	Geo Smith	150	1	55
2751	Mrs Sam B Smith	95	10	00
3836	T & E do	261–273	3	15
491	W H & W do	4	4	20
1334	Mary Ann do	5 B	3	15
1484	Mrs C do	14 *a*	25	20
892	Est M Soniat	50 *a*	84	70
1524	So V de Paul	116	154	80
4056	F'k Soland	299	1	30
4180	Jean Souble	325	1	10
122	Mrs F R Southmayd	24	17	55
1627	Felic Spahr	35 E	3	85
209	A Speck	82 Ev	14	40
2677	Geo Spitzfaden	87	4	85
2507	Stack	64	2	55
508	P Stappers	25 *a*	20	15
1897	*g* F O Stark	156 *a*	680	95
1512	Est Chs Steffen	16 F	47	25
2518	Jos Stieb	91	2	00
3867	Jno Stein	382	10	95
1695	H W Steele	48 B	5	15
1583¾	Wd J Stevenson	146	2	75
1822	Jas Stewart	128	40	60
3600	Jas Stewart	128	6	45
209	*f* Jno do	38	6	10
818	Duncan Stewart	200		65
1989	Est J B Steret	291 *a*	360	00
1108	P Stonlig	12	4	30
89	Ch Stimger	358	2	10
822	*a* H'y Slater	15	1	40
745	Jno Stuve	82	26	45
1722	Est St Pierre	53 D	17	30
1424	Paul do	12 *c*	30	25
1527	Mrs J S Sullivan	21 *a*	25	75
802	E & O do	7	10	55
1120	Wm do Bloom		58	80
1786	M Sutter	81 *a*	9	00
2111	Miss M Switzer	417	6	45
1277	Wd F Tobelman	4 *z*	15	65
466	Geo Taber	181	1	00
4286	Taney & M D	458	109	45
1142	B Tarrange	4	5	65
1303	Calvin Tate	87	11	50
546	Jno Mc'D Taylor	101	126	00
1906	Mrs F W do	169–1	144	00
419	Thos do	20	13	75
1362	H'y Tebbe	83	24	90
4044	Jno O Terry	295	2	00
4082	L Ternoir	309	4	10
4083	P P B Ternoir	"	4	10
1846	Wm Thayer	136 B	5	80
1834	Jos O Theard	130	34	55
2372	Aug Theriot	49	7	55
766	J W Theac	103	24	00
3670	F J Thibault	231	2	25
1090	Est Frost Thorn	4	17	05
417	E Thompson	36	3	95
1930	Mrs do	199–5	26	80
3564	Louise Thoulike	209	4	90
3705	Mrs Wm S Todd	238	2	00
506				
1603	Mary Todd	147	7	00
1593	Mrs W C Tompkins	149	5	00
329	Ed Tomatis	139	9	10
62½	Wd Fr Forugar	8	5	80
602	Mary E Townsh'd	23	5	45
1433	H'y Traliant	11 G	15	15
1424	Wd Fr do	12 *c*	2	70
1636	Maria Trevez't	6–2	14	40
1882	Tricou & Courfent	149 *d*	5	75
236	B Troscher	4	15	35
1398	Mrs M Troendle	9 *y*	6	25
2325	Gus Troy	44	2	10
1897	S Troulet	157 *a*	16	50
1357	Seb Toujac	127 *a*	5	65

Bill.		Sq're.		
37	J A Turnel	244	1	30
2671	P Palmer	87	7	05
166	Mat Ulrich	8	6	30
1187	Unknown	537	1,306	10
619	Do	450	2,026	70
	Do Marly	16	1,541	40
1415	J Augustin	26 *a*	2	15
1957	F Pepin	221	20	15
1137	Cor Mullain	349	9	75
1795	M Vail	83	9	60
1894	Mrs Valentine	153 B	34	55
142	H Vanderlin	38	6	15
1261	Wm. J Vason	35	12	00
2655	Dom Verges	86	1	10
2688	Wm do	89	5	45
771	J H Verneuf	106	11	55
190	*a* Chas Vidal	171–6	77	75
3691	H'y Vienne	218	2	05
9276	R Villa	33	1	40
496¾	J Villemein	378	7	20
2667	Est L D J Villers	86	1	10
1951	Wm Voelgel	187–21	144	00
154	F F Voight	30	4	50
339½	Mrs C Wagaman	251	4	90
908	J A Waldo	65	48	75
339	Mrs Wagner	140	3	75
1016	Unknown	91	49	95
1486	Eliza B Walker	282 *a* & B	288	00
1893	Felix or do	152	169	00
614	Mary V Wallace	24	5	60
822	*q* Ph Wander	15	1	40
3907	Fred Wang	275	9	00
3374	R Waples	169	6	50
1215	Ed J Ward	83	3	60
2946	Jno J do	112	4	80
2333	Theo do	45	3	20
1926	Is W Warbeck	196 *a*	14	40
989	*d* Helen Warner	40	2	80
973	Geo Washington	18	9	60
186	Chs Waters	72	3	40
1521	Mic H do	115	2	40
1639	Jas P do	37 *a*	21	60
1196	A Watzke	280	4	50
1424	W J Watson	12 *c*	59	55
1458	Mrs E Watts	106	1	05
2771	Ed Watson	96	1	40
1354	A H Way	6–4	40	35
1224	R do	9 mtg	110	00
294	Jno Weber	85 do	3	65
3791	Geo & Jno do	289	14	15
1874	M do	145 B	72	00
4	Jno do, 2d	23	15	50
1125	Weigel & Leithman	14	29	60
1984	Fred Weinman	320	2	40
822	*c* Wd M Weiser	10 *a*	8	20
30	*d* Thos Welch	26	10	80
974½	Jno do	31	14	75
145	J Mad Wells	222	4,336	00
1088	Policarpe Fortier	Bat	1,623	00
1268	J M Wells	22 R	5	75
507				
1763	S D Wendover	66 *a*	46	10
987	Helen Warner	40	2	80
1966	Geo W West	244–1	115	50
356	W Westmard	570	3	20
1946	L Weitman	206–19	292	85
209	Julia A Whan	65	14	65
1082	W H Wheaton	105	135	75
1028	Ch's J Wheeler	133	361	60
4317	T J White	511	39	60
1020	E D do	116	104	65
993	D P do	81	81	25
11612	W H Whitaker	33 J	11	55
1575	R Wiche	28 B	11	55
364	Clem Wilken	28	3	60
1263	Chalos Wms	233	3	60
4170	Mrs Geo D do	323	2	70
1034	*g* Peter do	11	3	90
1888	J P do	149 *c*	14	40
691½	Wd do	40	2	00
681	Est T E Winson	39	6	00
531	Jno G Wilson	11	7	20
1172	Jno do	27	5	00
130	Mrs R A do	25	11	20
1551	Rich Wilson	26 D		80
3931	Aug Windman	278	1	30

Bill.		Sq're.	
799	Mrs M A Windmanhill	150	1 50
1924	A S Winston	196 *a*	10 20
993	A Winter	349	2 70
209	Wintz & Friend, Fellows	116	126 00
1311	Jno Witchan	74	4 65
3812	Wm Waelper	259	1 40
1226	Rob't Wood	10	14 95
1187	Jno do	529	202 35
2583	Mrs Chs do	76	2 35
144	Wm do	Plais	889 25
1221	P N do	1	845 45
2090	A Woodfork	19 B	2 45
10-3	Woodruf & Dever	1	13 80
3843	Aaron Wolf	103	3 85
2716	H'y Wolfhart	92	2 80
1039	J H Wolters	16	10 10
950	Mrs O H Woolzey	10	15 95
2018½	Wd Jos H Wrede	64	14 40
2788¾	Jos W Wyman	97	11 75
255	Jo Yates	7	3 75
1504¾	F Yertes, Coro		2 40
2691	Theo Young	293	3 15
749	Nic do	83	4 00
1149	Dan do	5 L	5 60
1409	F C Zeller	10 H	135 10
1915	F Zorn	283	4 90
			121,013 75

508 3d D'g Dist.

Fo.		Sq're.	Assessment.
1	City of New Orls	3	38 40
	W B Scott	4	3 25
	City of N O	10, 11	70 60
3	Aug & M Thye	14	3 55
4	City of N O	16	149 80
5	Claude Tiblier	17	13 55
6	J B Toulane	18	18 90
	Rev J M Odin	"	12 55
	Louis Mestier	"	5 55
	M Jartrous	"	12 00
8	F Sambola	20	18 65
"	W'd H Chretien	"	12 70
10	Dom Cefati	22	3 95
11	J Brousseau	23	3 00
	State Ars & C H	43	281 85
12	St Louis Cathedral	45	25 70
	St Anth sq're	"	32 10
	Unknown	"	11 10
	City court-house	46	29 55
13	Wid S Sug	47	2 85
15	Ede Volanber	49	5 65
16	Ph Mailhe	50	11 90
	Marie Guinalt	"	15 45
	Catho Chur	"	9 40
	Jose Barnes	"	8 85
	H A Sancho	"	27 35
17	W'd Courmeslavey, P	51	18 95
18	J Pardo	52	4 60
19	A Hopkins	53	24 25
21	Est Geo Pollock, J	54	8 60
21	Ed Bermudez	55	5 35
	W'd R Brouhe	"	9 25
	J Lavigne	"	9 25
22	Marie Languil	56	8 05
"	City of N O	"	26 15
25	B Avegno	59	26 10
"	N & E Vigne	60	2 85
26	J N Avegno	74	5 95
"	F P Fouchy	"	8 90
27	H'y Michel	75	12 70
28	Celes Chapella	76	4 30
29	Mrs C E Girardey	77	12 85
"	Minors E A Hoa	"	8 20
"	Mrs A Lamoth	"	11 00
30	Armand Soulie	78	10 35
	E't Meunier	"	5 10
31	Mrs J P Roux	79	8 20
	Minors J E O Audry	"	8 20
	Camille Souvinet	"	40 80
33	W'd A Morphy	81	8 10
34	Minors Dufosat	82	7 70
"	City, Barracks sch	"	14 15
"	W'd F Corresoles	"	9 60
35	J N Avegno	83	12 45
36	Syl Debat	84	4 35
"	Lauvie Hincks	"	8 60
37	Wid J Manes	85	8 95
38	F Avegno	86	7 60
"	Mrs Mary O Butler	"	9 80
"	P Avegno	86	6 20
"	J Mangin	"	6 55
"	J P Cajelar	"	11 60
39	J A Mandoces	87	5 65
"	Jos M Alva	"	11 20
40	J N Avegny	88	14 40
41	Celes Register	101	5 40
42	Anto Alva	102	5 60
"	Ph Ross	"	4 60
"	C Borgeau	"	4 05
45	Jas Wood	103	4 65
48	P Avegno	108	13 75
"	Mrs Delond	109	11 20
50	Charity Sch Ho	111	7 60
52	Jean Despeaux	113	4 60
509			
52	Fr Sauer	113	5 20
"	City Eng No. 10	"	7 00
53	P S Weltz	114	7 70
"	Mrs Aug Francois	"	7 70
"	Clem Camp	"	4 80
53	Wm F de Armas & ——	114	2 75
"	C Bourgeau	"	5 15
"	W'd St Romes	"	6 35
"	Unknown	"	18 85
"	City Place d'Armes	115	236 80
54	Narcis Frechow	116	7 85
56	F Lacroix	137	8 35
57	P Avegno, Jr	138	11 80
"	Mrs D'Lamoth	"	4 70
"	W'd G F Valentine	"	4 30
59	St Aug Ch & dwelling	140	52 50
"	Conv't Mt Carmel	"	36 55
"	Louise & Em Dolhond	"	14 00
61	Jno Hanlon	143	4 80
62	Ph Avegny	144	29 90
"	Jules Armand	"	7 45
"	Mrs Alph Baugere	145	11 90 / 9 95
"	J N Avegno		16 25
"	Miss L Darmortier	145	5 00
"	Henrietto Lorenze	"	9 60
62	Anto Cavalier	145	7 20
63	J F P Valentine	146	8 20
"	D Colignon	"	8 20
"	W'd P Martin	"	3 85
64	P A Betal	147	11 25
"	M Weil		8 30
65	Jos Wood	148	6 30
"	P Avegno, Jr	"	8 65
"	P Cousirot	"	8 95
"	Do	"	6 60
"	Parish Prison	149	71 55
66	J Lavarene	151	5 15
66	Mary A Dawson	151	5 30
67	W'd B Garcelin	164	6 25
"	Paul Estaban	165	13 10
"	Treme market	166	58 35
68	Bareli & Lavio	167	4 40
"	City sch ho	"	22 85
65	Claire Bourgeau	168	8 25
"	P Avegno	"	10 45
70	F M Jacobs	169	3 95
"	T Lafon	"	8 95
"	W'd M Riordan	"	6 80
"	Do	"	4 75
72	Claire Bourgeau	171	15 95
"	Rob't Murphy	"	18 10
"	E Bienvenue	"	6 85
"	F G Robert	"	1 05

Fo.		Sq're.	
72	C Keller	171	4 95
"	Mrs P V Leonard	"	5 20
73	A B Coca	172¾	6 80
"	Ph Wirth	"	4 35
"	C B Coca	"	4 35
74	Louis Surgi	174, 5	6 90
	P A & A B Coutin	"	4 55
"	Mrs L Surgi	"	7 50
"	Jno Davis	"	7 40
75	F Dutrey	176	9 35
	P Barthelemy	"	9 35
	F J Robert	"	2 10
	W E & W Murphy	"	23 90
"	Unknown	"	16 75
76	W'd Moore & Robel	177	7 35
78	S Bonafon	179	4 85
	Jean Bajac	"	6 20
	Paul Caubin	"	5 10
	W'd F Foneir	"	7 25
	Ro't Murphy	180	4 60
80	F Levaseur	181	3 25

510

80	Unknown	181	3 25
81	Firnim Levaseur	182	2 95
	Jno Petit	"	93 95
	Aug Marguez	193	5 10
84	P Avegno, Jr.	196	8 40
85	Wd F Alva	197	6 65
	F Pascal	"	3 45
	J Vitenbitz	"	4 85
	Wd J Convertie	"	8 50
86	" D Cheval	198	8 20
"	J M Durand	"	2 40
"	L Austin	"	6 55
"	Cath A Paupare		6 55
87	Claire Gravier	199	3 05
"	Chas Morant	"	3 05
88	Wm C Budd	200, 1	8 90
"	Wd P F Valentine	"	8 90
"	Unknown	"	6 80
90	Miss M Richards	205	7 20
	F & J Lavigne		7 05
91	P Causerat	206	7 80
93	B Beourbuy	208	6 10
"	J Despaux	"	6 25
"	Mailes & Momus	"	6 00
"	Mrs P. G Labarre	"	24 85
94	Engine Ho. No. 21	210	8 45
"	Mrs R H Schmidt	"	5 75
95	Pub Sch Ho	211	10 95
"	N Soulie	"	4 85
"	Wd A Jaume	"	4 90
"	Unknown	"	11 75
96	F Wessenger, book 2	222	6 20
"	Mrs P Faustin	"	6 00

Bill.		Sq're.	
97	" Jo Marchal	223	3 15
"	D Schloser	"	3 15
"	Wm Ryan	"	3 15
"	M Valentine	"	6 20
97	Unknown	223	3 15
99	J Fisse	226	8 15
100	P Causerat	227	7 70
"	Do	"	4 65
"	L A Pascal		14 55
103	City N O	230, 1	12 90
"	N B Philips	232	11 35
104	Aug Gautier	233	12 10
"	A Doriocourt	"	12 25
"	Wd T Peyrault	"	4 10
"	Alf Beaufeu	"	11 00
"	Jos Gros	"	5 60
105	Jno Sauliday	235	12 05
"	Arch B Odin	"	16 30
"	A Romaine	"	19 90
"	Miss A Rillieux	"	10 25
"	St Ann Church	"	4 00
"	Wd L Delabaster	235	6 00
"	Unknown	"	16 00
106	Chas Lawson	236	6 10
"	Leon Lavigne	"	7 25
"	Jean Doucet	"	5 95
107	Mrs Peter Fuehs	237	6 35
108	Wid Alex Burt	238	2 75
109	J Darris & Despaux	239	3 65
110	D B Macarty	251	7 90

Bill.		Sq're.	
112	Mary L Moier	253	5 60
"	Wd Bap Macera	"	4 70
"	J Dargue	"	4 70
"	Wd R Koontz	"	4 35
114	Aug Ben	255	6 00
"	Celeste d'Hote	"	15 80
115	G Curto	256	15 65
"	Mrs L Beaumont	257	9 85
"	Jos Azemar	"	8 70
116	P Avegno, Jr	258	22 65
"	Fanny Fribourg	"	15 40

511

Fo.		Sq're.	
116	Wd L Troisclaire	258	14 20
117	Eg Domingnon	261	1 50
"	Unknown	262	10 95
118	Rufus Waples	263	6 20
"	Ch Fuchs	"	13 20
"	Mrs L Surgi	"	22 55
"	V Asmard	264	4 00
"	D B Macarty	"	13 45
119	Chs Lawson	265	6 60
120	Wd Wm Bell	266	13 95
"	Thos Livaudais	"	9 55
"	Eug Hacker	"	27 65
"	L Augustin	"	3 85
121	Marie L Sophie	267	5 30
122	Eug Pierre	268	1 75
"	Marie F Lacroix	"	4 60
"	Theo Murphy	"	1 05
"	N Lecasir	"	2 55
124	Wd P Sauve	270	4 90
"	Unknown	"	5 20
125	Jos Ignotz	281	8 90
"	Chs Schellac	"	7 85
127	L Etienne	283	4 30
"	Wd M Doublet	"	4 80
128	" J Cerresoles	284	6 80
"	" A G Marioneaux	"	42 55
"	" do	"	5 20
129	J C de St Romes	285	24 30
"	Do	"	32 00
"	Bernard Kelly	"	8 40
"	Anto Zanola	"	12 00
130	X Benezech	286	7 30
131	Jean Derralde	287	5 20
"	T Pelissier	"	6 60
132	C F de Montroux	288	7 05
"	Ed Chaliot	"	5 10
"	Unknown	"	18 65

Bill.		Sq're.	
133	P Girard, Nouvet	289	20 00
"	Engine Ho No. 3	"	6 30
"	H Gerard	"	5 60
"	Unknown	"	36 00
"	A Bertin	290	7 00
134	P N Lacroix	291	13 20
"	J Elchinger	"	8 75
"	M Francois	"	7 20
"	J Elchinger	"	8 00
"	J Dubuc	"	33 15
"	Anto Favre	"	9 75
"	Mic Karst	"	3 80
136	Wd St Romes	293	8 35
"	P H Mousseaux	"	5 25
137	Wd Tracy & Gold'n	294	7 45
"	Mrs E E Charent	"	13 90
"	B Abadie	"	6 60
"	Brinkman	"	8 95
"	Cy Labiche	"	3 40
"	Wd L D Frigere	"	8 15
138	Jo Bertu	295	7 20
"	B Abadie	"	6 60
"	Ch Jacob	"	6 60
139	Wd P B Montamat	296	5 15
140	H Bertin & Mrs Lundi	298	5 35
"	Mrs Wm A Patton	"	7 20
"	Miss M Paris Hoa	"	7 00
141	N Soulie	309	6 55
"	Mrs V Demomelle	310	13 80
"	Unknown	"	13 80
142	Florence Fischer	311	5 00
	Val Bock	"	5 10
	Flor Fischer	"	4 90
143	Wd Vitter	312	14 50
"	Gas H Hofker	"	5 75

Bill.		Sq're.		
143	Jean Mule	312	2	70
144	Wd F St Romes & Cronan	313	21	90
512				
144	N Frechou	313	6	20
	Mrs Geo Flack	"	9	85
	C Rebenock	"	9	75
145	Jos Roth	314	7	30
"	J N Fremeaux	"	8	55
	Jean Derethe	"	18	00
146	Wd F J Romain	315	22	30
"	Geo Steuben	"	12	00
"	Sam Snaer	"	6	70
"	Mrs F M do	"	7	15
147	Jean Derethe	316	16	75
"	Jac C Poierier	"	5	75
148	Celes L'Hote	317	22	30
149	Est W Moore	319	8	45
"	Eliz D Kline	"	8	00
"	Aug Hugon	"	7	55
150	V Abbo	320	7	70
"	H J Campbell	"	11	95
151	J Mailhe	321	10	30
"	G Ewing	"	28	50
"	Geo Flotch	"	7	35
"	G Ewing	"	26	80
152	F Mooney	322	12	95
"	Miss V Florey	"	12	95
"	Jno G Pelhofer	"	27	15
"	H'y Flory	"	26	40
153	H'y Savage	323	15	65
"	Jos F Dick	323	17	40
"	Mrs F Mulier	"	7	60
"	L Artigues	"	12	00
"	Jno McVittie	"	12	00
"	Ed Moran	"	10	90
154	J Jos Henri	324	6	15
"	Jean Defes	"	6	05
"	Wd St Romes	"	49	50
"	Val Asmard	"	6	05
155	J B Arrony	325	5	05
155	Ch Lawson	325	8	50
"	Mrs A Romare	"	8	50
"	" Fd Colguom	"	6	90
"	Fortier & Mrs Morel	"	6	90
"	Jean Fisse	"	6	90
156	J J Pujol	326	6	60
"	E Staes	"	9	00
"	Jos E Armant	"	4	50
"	Chs Bergeron	"	4	50
"	Miss Eliza Daniel	"	9	00
157	J Despeaux	336	13	25
"	Jos Dangle	"	12	65
"	J Despeaux	"	5	95
"	H'y Peter	"	11	40
"	Jos Bazanac	"	10	80
"	Eug Gaudoz	"	4	45
"	D B Macarty	337	12	60
"	Wd Duracher	"	12	80
"	Unknown	"	129	20
158	L A Daniel	338	22	90
"	W'd St Romes	339	134	25
"	Geo Lohr	"	5	35
"	Jos Despeaux	"	5	20
159	Gab Levasseur	340	20	20
"	Gabaroche, Gaines	"	19	55
"	B Moreno	"	25	20
"	Nancy Villare	"	23	55
"	F Bonseigneur	"	19	30
"	F M Jacobs	"	12	40
"	G Lavasieur	"	18	60
"	B Abadie	340	10	10
160	Chs Marin	341	35	60
"	Jules Baudice, Eabel	341	22	10
"	Wd A Lanusse, do	"	23	55
"	Jos Bermont	"	12	40
"	Ed Abel	"	23	95
"	Mrs F Jos Bauduc		33	65
513				
160	W Aug Lanusse	341	45	55
161	N Rilleux	342	158	65
"	Wd W Lawrence	"	44	40
"	H'y Spitzfaden	"	16	85
"	Unknown, Fellows	"	26	65
"	Jules Lapene	343	15	35
"	Wd J V Gotchalk	"	15	35

Bill.		Sq're.		
162	Marie U Gros	344	9	40
"	F J Freydor	"	7	55
"	J M Biron	"	18	85
"	Dan Oectmer	"	9	40
"	F C Dick	"	9	40
164	A D Doricourt	349	13	45
"	P Coy	349	9	00
"	Unknown	"	18	00
"	J E Paquere	350	26	00
"	Do.	351	2	35
"	D B Macarty	350	94	00
165	A A Brugier	352	10	30
"	Et & J Pequinot	"	34	50
"	Dav Stickney	1/3	13	70
166	Jo Toregano	354	32	45
"	Mrs S Delord	"	32	80
"	Jo Toregano	"	24	95
"	Jean Barzac	"	25	20
"	B Morero	"	37	80
"	Unknown	"	15	50
"	A Willoz	"	19	60
"	Wd Alex Lamy	"	30	00
"	Vic Demourel	355	6	00
"	F M Jacobs	"	6	00
"	McDonald	"	41	40
"	School fund			
167	F Grima, Jr	356	59	20
"	Mrs J V Gourdain	"	29	80
"	D Cronan, Jr	"	5	80
	Jos Guilot		11	40
167	P Gravier, Angla	356	11	40
	Mrs Sep Morel	"	58	35
	Jose Sabathe	357	20	90
	Mrs Gaines	"	10	45
	Aug St Amant	"	5	20
	D B Macarty	"	95	65
168	Wd J C St Romes	358	21	40
"	P S Carington	"	28	30
"	Mrs H'y St Paul	"	14	25
"	" Gaines	"	14	25
"	L Francini	359	26	20
"	Mrs Gaines	"	13	10
"	Wd M Averton	"	12	20
"	Mrs G B C de Vreve	"	24	40
"	" Gaines	"	12	40
"	" do	"	18	60
169	C Morel	360	7	30
"	Aug Gautier	"	8	40
"	Unknown do	"	8	75
"	H'y F Hall	369	95	90
"	J O Theard	370	173	75
"	Jules Lavergne	371	65	35
"	P Avegno, Jr	372	99	35
170	Jules Casaro	373	139	80
"	D Pochelu	"	18	05
"	Mrs Bazanac	"	6	20
"	Jules Bermudez	"	19	80
"	M C Gaines	"	9	15
"	Est R Roseau	375	62	65
"	B Abadie	376	95	85
171	Myra C Gaines	379	33	15
"	Jean Galey	"	16	75
"	L Leonard	"	16	75
172	Marie Gaines	381	9	35
"	Mrs A A Semel	"	10	70
"	Jo Baulieu	382	157	85
"	Avegno & Lemaire	384	5	20
514				
Fo.		Sq're.		
173	Mrs Gaines	385-7	194	15
"	Wd J C de St Romes	388	126	50
"	F Lacroix	"	56	80
"	C Duvie	390	100	55
"	J F Barthelemy	391	50	70
"	Miss Sev Berthel	"	14	50
174	Mrs Gaines	392	12	80
"	Do	"	6	40
"	Rodzsung & Dronant	"	6	40
"	M Cheval	"	2	40
"	Aug Gautier	"	25	20
"	Jos Dubuc	"	12	60
"	J F Bigot	"	30	40
"	J F B Courbet	"	12	60
"	Unknown	"	21	60
"	Gautier & Wd Cheval	"	25	20
"	Wd L Richau	"	6	40

Fo.		Sq're.		
174	Felix Cheval	392	8	80
"	Wd S M McLearn	393	110	20
"	Theo Guyol	402	29	65
"	Jo Lithere	"	12	55
175	Fr Lacroix	403	119	15
"	Unknown	"	35	50
"	Mrs. Gaines	404	14	90
"	Miss Salie Austin	"	7	25
"	Mrs Emile Drom'd		43	40
"	" Gaines	405	51	10
"	F Pecora	"	23	05
"	F D Seghers	"	5	75
"	Avegno & Dupas	"	149	40
"	Adele Mangon	"	12	40
"	Unknown	"	25	60
176	Jo Littiere	407	8	35
"	Mrs A E de Blanc	"	12	60
"	P Lanabere	"	12	60
"	Mrs A E Deblanc	"	63	15
"	P Avegno	408	90	95
176 } 177 }	Mrs Gaines	410 } 411 }	278	00
"	" J Skinner	"	39	60
"	Miss S Augustin	"	16	10
"	P H Santon	"	10	70
"	Mrs. Jno Reinell	412	16	00
"	Wd D M Ensworth	"	22	15
"	Ch B Barksdal	"	16	00
178	Ch Menendez	413	5	65
"	P Avegno, Jr	"	13	05
"	Jos Bruneau	"	4	80
"	Mrs Claire Bouigon	"	34	60
"	White & Mack	"	28	75
"	Unknown.	"	13	20
"	J A D Hemecourt	414	5	80
"	J A Lanieville	"	5	80
"	Wd St Romes	"	29	20
"	Oct Freret	"	5	80
179	Wd J C de St Romes	416 } 417 } 418 }	229	55
"	Mrs Jean Sauvage	418	40	80
180	Jean Ollie	427	18	60
"	Geo C Reinecke	"	30	40
"	Vic Perrillat	427	6	20
"	P H Mauseaux	427	6	20
"	Alb Soulie	"	79	50
"	F Roumieux	428	6	20
"	Fr Lacroix	"	162	00
"	Unknown	"	12	40
"	Paul Rouset	429	70	60
181	F Lacroix	430	67	60
"	Mathilde Delorm	430	16	90
"	P Avegno, Jr	432	52	35
"	"	"	51	75
"	F R Lotz	"	12	40
182	Felix Sanchez	433	6	20
"	A A Heydell	"	18	60
"	D B Macarty	"	30	80
"	C Camp	435	81	90
515				
182	Jos McConnel	435	41	60
"	Do	"	74	05
"	J Campbell	"	49	15
183	J V Cathalonge	436	15	85
"	Sam'l P Blanc	436	33	20
"	T Gyol	"	83	15
"	Unknown	"	8	15
"	P E R L de Ladebat	438, 9	70	75
"	Nathan McFall	"	6	10
"	Bayou Sch Ho	437	24	30
184	Unknown	440	15	50
"	J Cathalogne	440	15	40
"	Chs Beaulieu	"	13	60
"	Sam'l McConnell	441	44	95
185	Wd J C de St Romes	443	6	20
"	Jos Bruneau	"	12	40
"	Anto Dejlocourt	444	6	20
"	Mrs Gaines	"	6	20
"	Arthur Thibert	"	12	40
186	Ed Guillot	445	17	30
"	Chs Lesseps, Sr	"	22	85
"	Wd Felix J Forstal		17	20
"	Mrs Mel Michel	"	57	40
"	A W Griswold	"	70	60
"	Röhder & Kellog	447	11	10

Fo.		Sq're.		
186	F Roumier	447	6	20
"	Jno Johnson	"	18	60
"	Wd St Romes & ——	"	21	85
"	Alb Soulie	448	181	95
187	Mrs Gaines	458	29	80
"	J & J C Davidson	459	47	10
"	Ms Gaines	"	72	35
"	A Boeto	460	5	50
"	D M Gaines	"	64	40
"	J & S C Davidson	461	124	50
188	Geo Musbach	462	30	00
"	A J Phelps	"	10	00
188	F Levaseur	462	101	95
189	Jac Weingartner	465, 6	178	20
190	Ch Beaulieu	467	29	30
"	Mrs J Mazendre	"	19	10
"	Unknown	"	1	80
191	D D L Maihle	O	19	85
"	City Mkt Hook & L but	2 & 3	17	40
192	Jo Kelly	3	7	60
"	Doc Dousant	"	1	80
193	Creole Fire Co No 9	4	3	85
196	H'y St Paul	8	16	50
"	J H Cohen	"	3	80
"	Vic Despoux	"	5	20
197	Phœnix F Co	9	6	60
"	Ed Nolan	"	11	50
"	Wm M Leonard	"	5	75
"	B Turpin	"	18	85
"	Miss Emma Pollock	"	2	70
198	Mrs P Lacoste	10	8	20
200	Jos Bilgery	12	6	75
202	Miss Vic Duclos	149	8	45
203	Anton Berg	150	11	20
"	Ch W Schmidt	"	8	20
"	Lamoth	"	5	35
204	Fr Lacroix	151	8	20
205	Dan Brophy	152	4	50
206	3rd Prest Ch	153	30	20
"	Bd St Upray	"	6	70
"	A St James	"	8	20
207	W H Arnous	154	17	05
"	F Brinkman	"	7	80
"	Ed Bermudez	"	20	00
209	E Grambois	156	24	05
"	Julie Segur	"	5	20
"	Nu a Larose	"	18	15
211	Jean Gazine	158	17	15
212	Ed Bermudez	159	29	75
516				
212	Washington sq're	160	191	85
213	Recorder's office	161	9	40
"	Mrs M E Powers	"	10	90
214	St Peter's Ch	162	20	70
"	Arch Bish Blanc	"	6	25
215	Est Alex Coulon	163	11	70
"	J W Conners	"	16	30
"	Miss Annie E How'd	"	16	65
216	Wm Reine	164	9	60
"	Rich'd Dovenshire	"	7	45
"	Reptition, J	"	2	75
"	M O Tracy	"	2	75
217	Wm Thiery	165	4	50
"	C F Seaman	"	4	00
"	Mrs A D Bermoudy	"	6	40
218	Julius Hubbel	256	9	65
"	Eliza Pait Macias	"	6	00
219	Wd Dave Roche	257	7	70
220	N F Grotz	258	5	75
221	Peter Borge	259	3	85
"	L M Lenguire	"	8	20
223	Ed Bermudez	261	20	00
224	Do	262	8	30
225	Wd F Arnoult	263	8	30
"	Cath Inst Lft	"	10	25
"	Do school-ho	"	14	10
"	J Burel	"	4	35
"	F Lacroix	"	15	85
226	V Dejean	264	8	20
227	Wd C M Brule	265	2	30
"	Miss Mary Moreau	"	2	60
"	Ernest Journe	"	5	75
228	Ed Bermudez	266	4	95
229	Mrs M D Armas	267	7	20
230	Const & Alexis	268	3	85
"	E L Bonet	"	10	00

Fo.		Sq're.	
230	Wd M J Couvertie	268	6 15
230	Jul Cavalier	268	10 00
"	J Seignoret	"	4 10
"	P Bienvenue	"	13 45
231	Ad Walz	269	5 75
"	J Fernandez	"	16 40
"	Wd J Aicard	"	8 20
"	Jo C G Leblanc	"	8 20
232	Wd G W Acker	270	6 25
"	Pablo	"	8 30
"	Wd A Bosque	"	7 40
233	Vileneuve & Lasier		8 20
"	Wd L P Breaud	271	11 25
"	" Nic Quazaro	"	8 20
"	Est M Gayone	"	5 65
234	Mrs M C Bell	272	5 40
"	J Bilgeny	"	6 65
235	D Wattard	273	8 10
"	Rev J M Odin	"	29 55
"	Theo Guyol	"	8 20
"	Cath St Peter Ch	"	24 55
"	Minors, Rev Mon	"	24 55
"	C E Simon	"	8 20
"	Rev C Moynihan	"	8 20
236	Mrs C F Schnel	274	3 60
"	Chr Fitzemeiter	"	7 60
"	Wd O Krage	"	7 60
"	Jno M Grimes	"	1 80
237	Mrs C Laurence	275	6 65
"	J Ridgerasy	"	8 10
238	P Otero	276	8 35
"	Minors Ms J Mead	"	8 20
"	R Sauvage	"	8 20
239	E Bart	368	5 60
"	Jno G Friedman	"	7 70
"	D D O'Brien	"	9 50
240	Wd D Magnon	"	16 70
"	Meeknis & Wilken		8 20
517			
241	Miss A Bernoudey	370	7 75
"	A Fagot	"	14 40
242	De Soto Sch (city)	371	16 45
	Do	"	16 45
"	Wd Cathn Smith		5 40
"	Est B Differ	"	5 60
243	L Mestier	372	4 10
244	Jos Bilgery	373	21 10
"	Mrs A Lezet	"	8 20
"	Est D Water	"	8 20
"	J P Roude	"	8 20
"	S Fernandez	374	12 50
"	Mrs P Lecoste	"	4 90
245	Gab Ponsetl	375	8 20
246	Miss E B Rosier	376	8 40
"	Anto Camores	"	8 65
"	R Tudury	"	8 20
247	Muro & Wd Lebreton	377	4 10
248	Mrs Rosa Smith	378	6 00
"	Gus Victor	"	9 30
"	Wd J Desales	"	3 80
"	Alf Bonet	"	4 10
"	Jo Descondrom	"	8 20
"	Jos Bilgery	"	8 10
249	Gus Sabatier	379	3 85
"	C Borgeau	380	9 30
250	S Nelson	381	22 55
"	A M Buchanan	"	34 90
251	N Perault	382	22 25
"	P Courege	"	8 20
252	Mrs J V Gourdain	383	17 90
"	J Rebolli	384	7 05
"	Wd L L Laches	"	5 90
253	Anet Land	385	8 20
"	Mrs P Pinsigur	"	6 15
"	Martha Bosin	"	6 15
"	Ch Vaserot	"	4 10
"	H'y do	"	4 10
254	L & M Rigesaud	386	8 70
"	Wm B Peno	"	5 90
"	H'y T Simon	"	16 40
"	Fimore Sch'ho	"	16 40
"	B Garcia	"	8 65
"	A Burgeau	"	8 65
255	C J Adolph	387	8 20
"	Est A Bachus	"	4 10
"	C Alexis	"	4 10

Fo.		Sq're.	
255	Wm Terry	387	7 70
256	Est Ch Chartier	388	10 25
257	Mig Olivias	389	4 35
"	Fr Didier	"	6 40
258	Theo Free	390	3 25
"	Mrs M Dedero	"	6 90
"	Jas Philips	391	15 35
"	Jean Pons	"	5 60
259	Nic J Hoey	392	12 00
"	Marius Baron	"	13 95
"	T E Boulet	"	5 70
"	Mrs F Thomas	393	6 00
"	Wd Jos Williams	"	6 50
"	Geo Brewer	"	16 65
"	Do	"	11 65
260	Louis Fix	394	6 90
"	Luke Cain	"	8 20
"	Pat Donnelly	"	6 90
"	Jos Grelier	395	11 15
"	Cs Westerling	"	7 40
261	Mic Melchior	490	7 20
262	Mrs E C chran	491	3 95
"	Mrs Est L Valetin		8 20
"	Thos Quilter	"	10 05
263	Annunciation Ch	492	37 70
264	Wd Jas Croner	494	8 95
"	Mrs P Cavalier	"	10 30
"	Wd Mendiola	"	8 25
518			
264	Mrs. J A Lafaye	494	2 20
"	Aug Leefe	"	8 55
"	Wd Wm Peters	"	7 40
"	Anto Blanchard	"	5 45
265	Mrs F Relf	495	2 45
266	Ch Guibert	496	4 10
"	Leo Bayhi	"	8 20
267	F Boisdore	497	8 20
"	Jos Garidel	"	7 75
"	Et Carriere	"	8 20
268	J Ugando	498	16 40
"	Do	"	8 20
"	Villero	"	4 10
269	J Ugando	499	16 40
"	F P Martinez	"	22 60
270	E Velder	500	4 25
271	Ann H Tritt	501	3 35
2 2	J B Crozat	502	7 65
"	Minors E A How	"	10 00
"	Est Sid Lewis	"	9 00
"	Ed Brusher, &c	"	5 90
273	J V Gourdain	503	8 20
	Alex Binder	"	7 70
	Mrs J E Darse	"	12 15
	Unknown	504	2 10
274	D Bouligny	505-6	20 50
	Jos Rivas	"	10 75
	Wd P Roux	"	8 20
	Unknown	"	7 40
	Ad Marks	506	10 25
275	Martin Dillon	507	8 20
"	Mrs P Hacker	"	4 15
277	Mathildo Gayare	509	8 20
	Wd J Boneron	"	8 20
	Jean Mouton	"	3 40
	O Desbergue	"	8 20
	Wd H Green	"	4 10
278	P Dubarre	510	8 20
"	Kate Fiel	"	8 20
"	Wd H Steinmetz	"	4 10
	Mrs L A Gies	"	3 10
	Anto Scheafino	"	8 70
279	L C A Billand	511	24 55
279	J Buche	510	8 20
"	Wd V F Dermoury	511	11 60
"	L J Frigero	"	3 75
"	Geo Egle	512	8 25
280	Mag Mourier	513	4 50
"	Miss L & C Plesis	"	5 60
"	E D White	"	6 10
281	Jno Wolf	514	7 20
"	Emile Peche	"	7 15
282	D Cronan	515	8 40
"	P Johnson	"	15 00
"	Mrs J Lartigue	"	6 80
"	Theo Limerick	"	14 25
"	O Deberge	"	11 50

Fo.		Sq're.	
283	F Lacroix	516	14 90
"	Wd Mic Aldwin	"	6 50
"	P Doliel	"	8 65
"	Wd Jno Pool	"	3 85
284	Anto Fernandez	517	11 05
"	O F Lehdo	"	7 70
"	A Fernandez	"	11 05
"	Ch Noland	518	62 40
285	F Lacroie	612	12 05
"	Dom Hernandez	"	3 60
"	H Mayer	"	4 20
"	F Lacroix	"	19 10
286	E B Balicave	613	24 85
"	Do	"	43 45
"	Miller & Lopez	"	3 50
"	T A Dolphine	"	11 20
"	O Riefel	615	5 95
519			
286	B Laplace	615	7 85
"	Geo Anguish	"	7 85
287	Oscar Pognot	615	9 90
"	C Keller	"	22 40
"	B Beaulay	617	19 20
"	Pat Bradley	"	6 60
"	F Serres	"	6 60
"	A Arnoult	"	9 60
"	Rev J M Odin	"	19 20
288	P Roueche	619	17 40
"	Ch M Lovinski	"	4 50
289	Jo Gonzales	620	2 30
"	Nancy Lazar	"	17 30
"	F E Livaudais	"	8 20
"	C Espinola	"	5 25
290	J B Dareatel	621	8 20
"	Geo Allen	"	8 20
"	Geo Haf	"	85
"	Mrs J O'Hara	"	95
291	L Vancuson	622	2 00
"	Wd H Beauregard	"	8 20
292	N Boudet	623-4	10 25
"	M L Deslond	"	10 25
"	Wd Madrara	"	8 20
"	N Boudet	"	10 25
293	Vic St Romes	625	25 35
"	J Lucini	"	8 50
"	Mrs M P Rigeau	626	8 20
"	D Coulon	"	7 70
"	Wd St Romes	"	12 15
"	Do	"	6 65
"	Mrs R Tessier	"	11 35
"	Mary Dunwith		7 50
294	Miss M P Pageau	627	16 40
"	Geo Schrafer	"	17 50
"	Rex Mazerat	628	6 15
295	Aug Mandry	630	6 50
"	Jno McVittie	"	6 70
295	C V Andry	630	13 45
296	St Bernard M'k't	632	14 70
"	F Lacroix	"	13 05
297	Wm C Kinsella	633-4	6 15
"	Nic Hennondo	"	5 40
298	M Fahnert	635	4 10
"	Wd M Fernandez	637	12 10
"	A Schroeder	"	16 40
300	Mic Edmunds	640	10 25
"	Miss Ellen Carter	"	10 25
"	D Cronan	"	10 25
"	City of N O	"	10 25
"	Jas Carter	"	14 40
"	Jos A Bailey	"	9 60
"	Mrs Jac Cornu	"	8 20
301	C Gervais	641	49 45
"	F Gabb	"	7 70
"	Geo Muldon	"	7 70
"	Mrs S Cordier	"	7 70
"	Wm Heitman	"	22 40
"	M Rouzan	"	6 70
302	Ad Jochin	642	8 40
"	Theo Fernon	"	8 25
"	Chas Lovenskeld	"	7 20
"	J B Durel	"	11 20
"	Mrs S Bacon	"	7 20
"	F Daubert	"	10 25
"	Wd J Romeras	643	6 70
"	A Duhart	"	6 70
"	Sam D Jacks	"	9 20

Fo.		Sq're.	
302	O Fortier	643	9 20
"	Jean Dable	"	7 50
"	Wd J Romeras	"	20 15
"	Mic Florence	"	6 70
"	P Coussivat	"	6 70
"	Wd J Romeras	"	32 65
303	P Rodmaker	644	7 15
"	L M Tio	"	7 80
520			
303	H Rolling	645	9 90
"	W'd J F Pepin	"	19 80
"	Mary Rodriquez	741	27 85
306	J F Pepin	742	198 10
"	Jo Careras	743	17 30
"	Ed Mellheny	"	8 65
397	J C Wagner	744	8 70
"	Chris Aurain	"	8 65
"	Fred Becker	"	8 65
"	Unknown	"	8 65
"	Mrs Ang Neda	"	26 10
"	J P Gaudron	745	4 10
"	L Michel, Jr	"	9 90
"	Mrs M B Durcand	"	9 60
"	Stephen Dupey	"	32 00
308	Peter Klein	746	7 95
"	W'd P Gerwais	"	7 95
"	Ed Schroeder	"	15 85
"	Joseph Chs	"	7 95
"	Mrs L Phlogean	"	15 85
309	Jac Florence	749	6 95
"	L Arsene	"	16 40
"	Mary Stafford	"	8 05
"	N Bacque	"	8 05
310	So Ladies Pers'v	752	8 20
311	P Cienfuego	753	6 15
"	Vic Bonne	"	8 20
"	J M Bastian	"	8 20
"	2nd Germ P Ch	"	20 50
"	Ch Augustine	754	20 15
"	J Casteline	"	19 20
"	Pichow & Bucher	755	9 20
"	P H Michow	"	17 50
"	W'd F J Campbell	"	3 50
"	E Frauville	"	4 50
312	Th Labertie	757	6 40
"	Mrs L Mazet	"	6 40
"	J Meiner	758	6 40
312	Aif Shaw	758	6 40
"	Jno F Elliot	"	6 40
313	J B Vinet	759	6 10
	D C Holliday	"	13 25
314	J B Cheveau	762	6 20
	W'd Hypo Fortier	"	6 40
	Rosa Beauliéu	"	6 20
	Miss Jos Grouge	"	6 20
	Est Fred Charles	"	6 20
315	J B Ofray	763	3 20
	Paul Trevigne	"	10 20
316	L Girardat	764	5 70
	J M G Parker	"	8 90
	Gaillard & Guilbert	765	77 25
	Vic Perilliat	"	19 10
317	Chas Baptiste	766-7	7 15
	J F Hervaver	768	6 60
	Jno Gelkes	"	12 75
318	And Johnson to Andre	769	12 50
	A Fernandez	"	10 55
319	P A Maillow	770	44 55
320	M L J Louis Trilla	771	5 20
321	E Roca Munier	772	8 20
"	W'd T Perault	"	6 15
"	O Mariqny	773	13 60
"	M R Hagerty	"	34 15
322	J Marion	774	24 50
	P Richters	"	15 50
	J Maas	"	6 40
	A Malnoury	"	8 00
	J H Haynes	"	10 25
323	Est P Mercier	776	14 05
	C Washington	"	5 70
	Ph Stelbs	"	24 55
	H'y Schenck	"	4 60
	J Deterie	777	21 60
	Jac Muller	"	14 20
	J M Marchand	"	7 20

521

Fo.		Sq're.		
323	J F Pepin	779	198	15
324	Suc Chazel	780	198	15
"	Jos Grelier	781	155	00
"	J Soulaget	874	2	65
"	Lacroix, suc Grenier	875	173	90
"	W'd Mat Cooney	876	198	20
"	Est Wm Lawrence	877	22	45
325	Mrs J M Kennedy	878	86	45
"	Independence sq	879	397	60
"	H Francois	880	8	85
"	Unknown	"	62	40
"	Jean Bazac	881	28	30
"	Wm Farque	"	37	75
"	J Frigola	"	37	75
"	Seb Pablo, Bajas	"	7	70
"	Unknown	"	10	50
326	Conrad Daeher	"	8	20
"	Amb Scholer	"	8	20
"	J C F Camus	"	16	40
"	O Dordall	"	16	40
"	C Dacher	"	8	20
"	A Beandeau	"	8	20
"	A Dicker	882	16	40
"	S Spahl	"	8	65
"	Jno M Matler	"	3	35
"	Jno Griffen	"	8	20
"	Ben Sager	"	8	20
"	Jean Maurin	883	36	55
"	Cerile Dordote	"	73	15
327	L C A Beland	885	124	35
"	Steph Arand	"	8	20
"	L C A Beland	"	17	40
"	W'd P Pandely	886	16	40
"	H'y Weirkle	"	15	80
"	J B Laporte	"	26	50
"	W'd Jno Mosyler	"	16	40
"	H'y Buthoient	"	17	30
328	Mrs J Dumalrois	887	6	65
"	F C & J Frederic	"	6	60
"	W'd Lecarpentier	888	114	45
"	Jac Blantz	"	6	00
"	W'd Lecarpentier	889	205	05
329	Nic's Weber	890	16	10
"	Wiltz, S H Davis	"	8	25
"	Ann Follet	"	13	45
"	A A Gaulet	"	13	45
"	L Saunders	"	20	50
"	M M White	"	56	10
"	Ann Faulet	"	48	60
"	Alb Ferrier	"	14	95
"	Sid Lacroiq	"	9	60
"	Aristide Adams	"	8	25
"	S H Davis	"	8	65
"	Alf Ferrier	891	21	75
"	C B Singleton	"	135	20
"	Fr Escofier	892	6	85
"	N Gilland	893	28	40
"	G Confer	"	8	25
"	Anto Estive	"	14	10
"	Jo Pelisier	"	7	25
"	Mrs M Darsanne	"	7	05
"	Unknown	"	68	30
330	Jo Bruneau	894	36	80
"	Mrs A Lanuse	"	7	10
"	Ph Avegno, Jr	"	18	60
"	Mrs Geo Egle	895	6	40
"	W'd C Bernard	"	3	20
"	F Castenado	"	2	00
"	Jane Kerry	"	6	20
331	Miss Eliza Duran	896	6	95
331	Duconge Co	"	5	00
"	N Doyen	"	6	15
"	Jno Douglas	"	8	50
"	L N Oliver	897	7	20

522

332	Judah Hart	898	14	40
333	J Lapine	900	23	55
"	Rev Odin	901	76	25
"	J A C Bonet	"	8	00
"	Unknown	902	13	15
"	Jos Pegeau	"	6	60
"	P Garcia	"	6	60
"	J R L Menard	"	10	20
"	T Cavalier	"	8	50

Fo.		Sq're.		
333	Jo M Salvant	902	18	40
"	F Snaer	"	38	10
"	H'y Michel	"	4	30
"	Jules Armant	"	4	30
334	C L Nicoutano	903	36	10
"	F A Meyer	"	11	05
"	Mrs B Tarride	"	7	70
"	Jos F Meyer	"	19	90
"	City N Orl's	"	3	05
"	Phil Peter	"	10	80
"	C B Singleton	904	4	35
"	F Lefevre	905	23	55
"	C B Singleton	"	134	50
335	So Narcisse	906–7	15	10
"	Paul Bonne	"		30
"	Mrs M J Chevalier	"	7	30
"	Jac Mosler	"	7	55
"	Anno Pierre	"	4	85
"	Vic R de Armas	"	7	30
"	Miss A Leonel	906–7	14	40
"	E M Scott	"	11	40
"	Mrs C Cureaud	"	7	50
"	Louisa Moore	"	6	40
336	P de Blanc	908	159	75
"	Jus Zenon	"	10	25
"	H Levergne	909	123	35
"	L Lizard	910	7	90
"	Ch Savary	"	3	95
336	A J Morest	910	3	95
"	T W Johnson	"	7	90
"	Geo Antonie	"	7	90
"	Est McDaniel	"	7	90
"	Geo Jackson	"	7	90
"	Sam Cooper, assn	"	15	85
"	Wd C Oliver	911	198	35
"	Fr Meyer	912	8	20
"	Mrs A R Broutin	"	8	65
"	F Meyer	"	8	65
"	J Lestelle	"	16	40
"	L C Billaud	"	16	40
337	L Javerne	913	65	50
"	Wd R Labranche	"	16	50
"	Jules Lavergne	"	119	00
"	P Domingo	914	8	20
"	Jac Dermeyer	"	16	40
"	E B Belevre	"	7	70
"	F Gucher	"	7	70
"	Matilda Hazeus	"	19	20
"	Mrs L Papulus	"	3	85
"	J B Chalaire	915	184	25
"	L Prudhomme	916	136	55
"	Wd Jas Morris	"	38	40
338	H'y Peyra	917	8	65
"	M H Brown	"	8	65
"	J Campagnol	"	69	15
"	Mrs J M & T H Knedy	918	86	45
"	L Prudhomme	919	197	95
"	F R Lacroix	920	197	95
"	A Scroeder, Philips	921	172	75
"	Thos Morano	922	41	60
"	Mrs Duvernay *et al*	"	37	15
339	Jos Giller	1016	146	40
"	F R Daubert	1017	90	95
"	R Beer	"	82	95
"	F O Theard	1018	112	70

523

339	H Bradford	1018	15	35
"	Mrs E Suyntel	"	23	05
"	Mrs A Baldwin	"	23	05
"	Unknown	"	25	60
"	J C Schmidt	1091	198	70
"	Wd A Perrier	1020	32	25
"	E Bloomer	"	104	20
"	Unknown	"	37	10
"	F Lacroix	1021	135	25
"	C Herrick	"	8	05
"	W A Perrier	"	30	25
340	T F Thienman	1022	15	85
"	H'y St Martin	"	30	70
"	Ed Fillel	"	15	35
"	Fr Fernandez	"	37	75
"	Gas Diller	"	23	05
"	Jno L Hess	"	30	70
"	Jos M Lopez	"	7	70
"	Murphy & Lesseps	"	7	70
"	Wd Eb Batcave	"	19	25

Fo.		Sq're.	
340	Jos Fernandez	1022	17 30
"	B Domingue	1023	7 70
"	A Chiappela	"	7 70
"	J Cheperle	"	46 10
"	Unknown	"	46 10
"	Jno Dilly	1024	38 80
"	L A Duhart	"	10 60
"	Jno Dilly	"	14 10
"	Miss Londonia	"	7 05
"	Unknown	"	35 35
341	L C A Billau	1025	79 35
"	Andre Billau	"	10 25
"	Unknown	"	83 10
"	Jas Carter	1026	16 40
"	Betsy Dupin	"	8 20
"	P W Adams	"	19 30
"	M & C Bordenave	"	6 60
341	Jacob Fiss	1026	13 20
"	Est Mongins	"	16 40
"	Betsey Dupin	"	8 20
342	Ig Heck	1027	24 55
"	Wd Jas Stewart	"	50 15
"	F Duncom	"	8 70
"	L Lambert	1028	8 20
"	R R R Abram	"	32 75
"	Rich'd Lambert	"	32 75
"	H'y Cassidy	"	8 45
"	A Billand	"	17 30
"	J F Dick	"	17 40
"	Jas Marshal	"	16 40
"	Hamilton Potts	"	8 20
343	J L Solis	1029	16 40
"	Jas Desgrange	"	33 05
"	J B Magnuro	"	8 45
"	J Meigneur	"	32 80
"	P Mathein	"	8 20
"	E Raymond	"	8 20
"	F Mallerich	"	20 75
"	Mrs C V Foulon	"	40 95
"	Est A E Vaugnois	"	20 50
344	L C Faures	1031	16 40
"	L Mesteer	"	32 75
"	C B Singleton	"	136 25
"	Mrs H F Cheval	"	25 30
"	F Duprat	1032	14 40
"	Jno Fleming	"	33 75
"	A Alphonse	1033	6 25
"	Est Anto Mamy	"	6 25
"	M H Boyden	"	24 50
"	C B Singleton	"	37 90
345	Do	1035-1036	198 10
"	F C Laville	"	18 05
"	Unknown	"	15 00
"	G Thevenet	1037	14 10
524			
345	Jos Gainoth	1037	7 05
"	City N O	"	59 60
"	Unknow-, Bougules	"	69 05
"	Jno Bauer	1038	13 75
346	Rose V Auguste	1040	6 00
"	Mrs A Decourneaux	"	6 40
"	Robt J Ker	"	39 05
"	Wd C Fazende	"	25 20
"	N Lacason	"	7 05
"	Wd Castanedo	"	16 40
347	H do	1041	7 85
"	Unknown	"	7 85
"	Do	"	12 90
348	Jno W Hardie	"	74 50
"	Unknown	"	39 35
"	Est Macarty	1048	5 80
"	C B Singleton	1049	23 80
"	N Bell	"	6 70
"	"	"	5 10
"	Martha Shelly	"	7 60
349	Louis Rey	1050	7 80
"	Hypo Lefevre	"	53 05
"	W B Koontz	"	23 05
"	Jno Delisle	"	23 05
"	L Ducondeau	"	7 45
"	Unknown	"	106 45
"	Ellen Pierre	1051	50
"	Alex Grant	"	9 10
"	Mrs U Barth	"	34 50
"	Ch Bazile	"	7 20
"	J Peter	"	18 80

Fo.		Sq're.	
350	Mrs Henrion	1052	16 10
"	Unknown	"	189 25
"	Wd Chs Mallot	1053	49 15
"	Jo Carpentier	"	49 40
"	Ant Giraud	"	23 05
"	Unknown	"	83 75
350	Est J B Couvethi	1054	12 75
"	Unknown	"	125 00
"	Dav Hansel	1053	8 20
"	F Lacroix	"	32 75
"	Ed Sauton	"	16 40
"	Unknown	"	117 00
351	R Heck	1056	32 80
"	F Lacroix	"	16 40
"	E B De Gruy	"	24 60
"	H'y Patterson	"	17 40
"	Jno Goutz	"	16 40
"	Miss A Rasch	"	16 40
"	Gus Jacquet	"	16 40
"	Wd Alf & W James	"	17 40
"	D M Etrade	1057	19 30
"	Miss K B Kelly	"	32 75
"	Unknown	"	32 75
"	E Roy	"	16 65
"	Wd A Malnoury	1058	37 20
"	A Bonpain	"	7 65
"	F Rogeaux	"	4 30
"	Wd Ourdrain	"	9 30
"	A Malnoury	"	21 65
352	Jno Marion	1061	185 65
"	Fr Volant	"	12 80
"	Wd J F Pepin	1062	172 35
"	J J Montford	1063	102 70
"	Wd Et W Baltere	1063	70 60
"	W H Pratt	1064	198 45
353	L Boguille	1066	173 15
"	H'y Willot	"	198 45
"	J B Patrick	1067	173 15
"	N C Prevost	1068	24 30
"	Jos Greller	1068	102 60
"	Unknown	1164	172 70
		1165	172 70
"	Paul Gillet	1165	197 90
"	W E & R Morphy	1167	197 90
525			
354	Mrs Ch Janin	1168	30 70
"	L Millaudon	"	76 80
"	& Dreyfus	"	19 30
"	Palmyra Gravier	"	15 35
"	Edgar Hincks	"	30 70
"	Hebel & Frey	1169	172 85
"	Wm McFaund	1170	53 75
"	Emile Coulon	"	144 15
"	Ed Burnett	1171	7 70
"	P Destebechs	"	171 65
"	Wd Chs Vilermet	"	11 20
"	Emile L Charbonet	"	7 70
354	A Dubison	1173	19 10
"	E D White	"	37 75
"	Mrs L Jones	"	11 85
"	E D White	"	11 85
"	Eug Richeau	"	13 10
"	Fred Fries	"	11 85
"	A Dubuson	"	54 25
"	A & M Louis	"	11 85
355	Louis Barriere	1173	16 40
"	J Biguenet	"	8 65
"	Marie M White	"	16 40
"	O Marigny	"	32 80
"	Miss Jane Holoway	"	16 30
"	L Riviere	"	16 40
"	Jean Porte	"	16 40
"	L Barierre	"	11 40
"	Ed McIlheny	1174	26 55
"	Mrs J M Camp	"	32 75
"	Aug Cheveaux	"	8 20
"	Mrs O'Nael	"	19 30
"	Et Griffon	1174	49 15
"	L C A Bilano	1175	8 20
"	Chs Gerauld No. 1	"	101 45
"	Wd J Audrain	"	24 55
"	Wd J Murphy	"	8 20
Fo.			
355	fo. Unknown	1175	39 00
"	" F Lacroix	"	9 55
356	" Theo Geo Y Bourges	1176	16 40

Fo.				
356	fo. Jno Gillane	1176	40	95
"	Wd J Andrien	"	24	55
"	M F T Leon	"	6	70
"	Jno Nunan	"	50	90
"	Jean Laborde	1177	24	55
"	J C & C E Loiseau	1178	8	20
"	Rosina Toker	"	8	20
"	Fr Celestin	"	16	40
"	C E Loiseaux	"	8	20
"	Jos Keifer	"	8	20
"	B Sauravent	"	16	40
"	Jno B Hall	"	8	20
"	Julius Johnson	"	8	20
"	Unknown	"	47	15
357	Anto Weber	1179	51	20
"	P A Delaville	"	32	75
"	Fred Fries	"	14	70
"	Jos Mayence	"	24	15
"	Jules Bermudez	1180	19	10
"	Mary A & C Miers	"	13	95
"	Ed Charlot	"	13	00
358	Wd F Durand	1181	14	10
"	M VanBuren	"	1	60
"	M Bauvier	"	7	05
"	T W Farrar	"	8	20
"	A Hertrick	"	8	20
"	Minors B Karsch	"	47	90
"	F Faustin	1183	7	70
"	Jos Lajores	"	4	40
"	E P Chevar	"	11	15
359	Wm J Morse	1184	7	60
"	M Wilson	"	7	45
"	Chs Richoux	"	9	40
"	Jos Brefel		9	40
"	Wd Scheiknyder		14	90
"	Mrs Jos Lejoir		14	90
	To Book 4		31,546	50

526

		Sq're.	Assessment.	
	From Book 3		31,546	50
359	Geo Bergerot	1184	7	45
"	Geo Lombard	1188	7	45
			9	60
360	Jean Tavissu	1189	5	80
"	Geo Lombard	"	8	00
361	Z W Faunce	1192	4	40
"	Miss Richard	1193	15	00
"	" P Puisegur	1194	39	35
362	J J Pichot	1195	15	10
"	Wd Jul Moore	"	22	65
"	W E F St Ferol	"	23	80
"	L Klinky	"	8	95
"	W E F St Ferol	"	18	20
"	City N Orl's	1196	188	20
"	Mrs M Schwager	1197	23	70
"	Peter do	"	7	40
"	Chs B Singleton	"	98	00
"	Ed Williams	"	15	35
"	Dav Simon	"	7	70
"	Jno Parham	"	7	70
"	Marie Briscoe	"	7	70
363	H Seibraht, &c	1200	139	70
"	Mrs W Ryan	1201	10	55
"	" do	"	10	90
"	E L E Bonet	1202	190	65
"	Mrs Savary	"	41	10
"	Wd T Auvant	1203	75	70
"	Jean Porte	"	7	70
"	Hypo Paul	"	10	25
"	G Carnif	"	14	50
"	Miss L Brown	"	7	70
"	A J Bernard	"	7	70
364	H Lavergne	1204	51	20
"	J B Harris	"	12	40
"	Ch G Raymond	"	40	85
"	Jos Kuntz	"	21	20
"	D Delahosse	"	40	95
"	R Koehler	"	21	20
Fo.		Sq're.		
364	P Lavergne	1204	42	10
"	Wd T Amant	1205	32	70
"	J F Pepen	"	45	10
"	B B Handy	"	8	20
"	B Tousant	"	16	30

Fo.		Sq're.		
364	Wd T Armant	1205	16	40
"	Ben Celestin	"	37	15
"	H Verdon	1206	7	30
"	W Celeste Cassin	"	16	40
"	H Lavergne	"	57	35
"	Unknown	"	24	55
"	Wd A Partu	"	8	20
"	" R Labranche	"	16	40
365	S Escoffier	1207	32	75
"	Chs Droge	"	8	20
"	Ph Lavergne	"	32	75
"	Gus Jacquet	"	40	95
"	Hughes Lavergne	"	32	75
"	Ph do	"	35	55
"	Ch Gerard, No 1	1208	40	95
"	P F B Marinet	"	22	85
"	Chs Fridoline	"	45	70
"	Jean Porte	"	15	25
"	Wd S Audrain	"	28	80
"	J Masquere	"	7	70
"	P Bouchon	"	16	95
"	Est J P de Labar	1209	16	40
"	Jean Fisse	"	8	20
"	Emina Sanchez	"	8	20
"	Wd J Bordu	"	17	30
"	L Patterson	"	8	20
"	Jno Jackson	"	24	55
"	Charlet W'ms	"	16	40
"	D C Bell	"	16	40
"	Wd J A Lacroix	"	32	35
366	Chattanooga R R	1210	36	60
"	Do	"	22	70

527

Fo.				
336	Chattanooga R R	1210	23	05
"	" do	"	22	90
"	Vic Duboq	"	7	70
"	Jos Greller	"	30	40
"	Jean Marion	"	7	65
"	Ch Allen	"	23	05
			7	65
"	D Koelmel	"	7	50
"	F Tourgain	1211	42	00
"	Est E Redon	"	149	80
"	Wm McFarland	"	6	40
"	F Lacroix	1212	197	90
"	J B Jacquet	1213	26	00
"	R R Guzale	"	38	00
"	Est Mrs H Henry	"	22	40
"	J B Jacquet	"	22	40
"	Unknown	"	64	00
"	Emma Pollock	1214	172	85
367	P Esclaron	1215	98	95
"	Barbara Robinson	"	56	10
"	E Barnet	"	42	85
"	Emma Pollock	1216	197	90
"	Mrs Jules Durel	1217	172	70
"	Jas Lilly	1218	86	35
"	Fred Schrecke	"	86	35
"	Jos Grelier	1219	181	55
"	G W Sudler	1317	35	90
"	F Lacroix	1318	197	90
"	Unknown	1319	172	70
368	F Lacroix	1320	172	70
"	Mrs B Robinson	1321	197	90
"	Unknown	1322	197	90
"	Louis Mesteir	1323-5	543	60
"	A Murphy	1326	53	35
"	E Maignan	"	53	35
"	Unknown	"	91	45
369	Chattanooga R R	1327	7	70
"	Do	"	30	80
"	Gus Lasmath		7	70
369	F'k Kathman	1327	7	70
"	F'd Fries	"	19	20
"	Chat R R'd	"	23	00
"	" do	"	68	50
"	B Larch	"	11	50
"	B Dintram	1228	13	60
"	M Martin	"	13	55
"	Wd J Boisdu	"	13	55
"	Mrs Mary Matheria		31	80
"	L Hartenstein	1228	6	80
"	M Herriman	"	40	95
"	J D Hypere	"	16	40
"	Jac Riverau	"	13	55

Fo.		Sq're.	
369	P A Dusiere	1228	8 20
"	Jno M Walton	"	16 40
"	Wd G Cadron	"	30 90
"	B Dentrano	"	6 80
"	Ar Bertel	1329	14 40
"	A Guerin	"	57 35
"	W Jno Jackson	"	44 50
"	P S Wiltz, Merch. Ins	"	46 10
370	J A Prieur	1330	16 40
"	Ed Gottchalk	"	16 40
"	F N Mioton	"	33 30
"	L Pascal	"	8 20
"	Leon Delord	"	16 40
"	Alb Harris	1331	65 55
"	F Varion	"	116 45
"	Alb Harris	"	16 40
"	Fr Lacroix	1332	118 75
"	E Sanchez	"	28 70
"	H'y Brown	"	32 75
"	Wd Audran	"	8 20
"	J Jaquenard	"	8 20
"	P Jones	1333	21 10
"	W E St Ferol	"	10 10
"	Wiltz, Merch. Ins		152 40
371	P Leblanc	1334	19 20
528			
371	P Leblanc	1334	19 20
"	Wiltz, Merch Ins	"	113 90
"	Jno Smith	1335	57 60
"	Jo Bruneau	"	28 15
"	E L E Bonet	1336	176 65
"	Theo Owen	"	28 15
"	Unknown	1337	6 60
"	Jac Wilhelm	"	22 80
"	E Lanvue	"	6 05
"	Mrs M Jones	1339	11 00
"	Wd A Joseph	"	6 60
"	J Lapevrelores	"	6 60
"	Jules Kenedy	"	19 10
373	J A Lacost	1340	22 10
"	Marie Belvu	"	8 45
"	H'y Jones	"	9 60
"	Jane Bramer	"	8 05
"	Jno Silva	"	26 65
"	H'y A Godet	"	16 55
"	Mrs Mary Schwager	"	20 80
"	" do	"	61 50
"	P Sterling	1342	38 75
"	M Belly	"	43 50
"	Miss F Cucullu	"	8 70
"	E Michot	"	8 70
"	Jas Borges	"	40 70
"	Wd L Cormier	"	50 70
"	Unknown	"	7 35
374	A D Doriocourt	1344	9 30
"	Jas McKay	"	20 85
"	Alb A Ruch	"	25 15
"	Matild Mac	"	8 45
"	Mrs Ed Pilsbury	1348	47 10
375	Le Breton Mkt	1349	6 75
"	Est Aug Brugier	1350	51 80
"	Jno Fallon	1351	87 05
"	City N O	1352	6 00
"	Marie J Abadee	1353	13 95
Fo.		Sq're.	
375	L G A Dunignun	1353	8 90
"	Church Rose de Lima	"	40 00
376	Mrs Boucher	1354	9 65
"	Wd E Broadback	"	9 65
"	J B Lalland	"	10 25
"	Abelam & Johnson	"	8 10
"	Unknown	"	16 30
"	P Malet	1355	54 60
"	E Chalot	"	13 85
"	Oct Hopkins	"	25 20
"	A A Brugier	"	25 20
377	Est Maxivel	1357	15 75
"	Jos Rouanet	1358	6 30
"	Mrs L Surgi	"	36 20
"	Gus Devron	"	47 70
"	Sabatier & Lavie	1359	7 20
"	R A Chiapela	"	19 45
"	C B Singleton	"	50 40
"	Unknown	"	10 60
378	E Ferrier	1360	29 80

Fo.		Sq're.	
378	E H Wells	1360	7 05
"	C B Singleton	"	57 85
"	Silvant & Celestine	"	26 00
"	Mrs M C Forney	"	11 55
"	A E Dupas	"	6 55
"	Wd L Gadel	1361	68 85
"	Jno Pemberton	1362	4 20
"	Mrs Ann Taylor	"	26 90
"	R W & F N Guesenger	"	11 15
"	A P Avegno	"	6 70
"	Est F C Lavelle	"	13 45
"	H'y Rightor	1363	49 65
"	Unknown	"	33 05
379	Henry Muller	1365	29 85
"	Josephine Hoa	"	56 95
"	Dan Sam, Dupat	1368	205 15
"	Elizb Sharlack	1369	28 15
"	M Muller, Geo Sick	"	22 35
529			
379	M Ostringer	1369	72 40
380	Est Brinkman	1370	199 40
"	Jos Madron	"	5 60
"	P Cazanave	"	179 90
"	Unknown	"	25 10
"	Est El Cassard	1372	54 85
"	O Valeton	"	16 40
"	J Jacquerd	"	16 40
"	A Kidd	"	12 80
"	A Ambrose	"	8 20
"	C N Duhy	"	61 45
"	Jos James	"	13 65
"	Jos Prieur	"	8 20
"	W H Homes	"	6 55
"	Jos James	"	6 55
"	P E Jordain	1373	16 40
"	H'y Mathew	"	8 20
"	Jas Patton	"	164 35
"	P E Wiltz	"	16 40
"	E & P Venues	"	12 30
"	Rob't Winn	1374	16 40
"	S Hernshein	"	8 20
"	R Lamisse	"	16 40
"	Chs T Howard	"	157 50
381	Jos Barthet	1375	15 85
"	Mrs M Gria	"	15 85
"	Est P Chige	"	15 85
"	R B Rauyer	"	76 70
"	Anto L Boree	"	15 00
"	Jno Culbertson	"	43 20
"	P L Nesle	1376	16 40
"	Jno Lombard	"	32 75
"	Wd F Marguez	"	49 15
"	Unknown	"	67 25
"	Wd J Gallan	1377	23 30
"	L C Pascal	"	70 65
"	G Giscard	"	5 90
381	Marie Foucher	1377	16 40
"	Jacob Hack	"	8 20
"	G Lavie	"	16 40
"	Jas Lillie	"	7 95
"	Wd J Galban	"	7 95
"	Chs L Faurie	"	16 40
382	Wd V Welhelm	1378	182 80
"	H F Sturken	1379	23 80
"	H'y Gerdes	"	23 80
"	Wd V Welhelm	"	127 50
"	Aug Noucher	1380	39 70
"	Est Ph Asentis	"	39 70
"	Unknown	"	118 40
"	Louis Mestier	1381	172 85
"	Josephine Flag	1382	172 85
"	Fr Lacroix	1383	197 90
"	Mrs J B Crozat	1384	197 90
383	F Lacroix	1385	86 35
"	Chs E Forstal	"	86 35
"	Gus J Grubbs	1386	40 30
"	Wd G V Coulter	"	28 80
"	H S Pitcher	"	23 80
"	E Burke	"	7 10
"	Wd V Coulter	1386	33 40
"	A B & J C Bazanac	"	28 40
"	Theo Perault	"	23 80
"	F Lacroix	1387	197 90
"	Ch V Foulon	1388	117 60
"	Jo Grelier	1487	189 45
"	Mrs Ch Janin	1488	98 95

Fo.		Sq're.		
383	Jas A Fox	1488	98	95
"	Public square	1489	86	35
384	E E Dreyfus	1490	86	40
"	E Guion	1491	197	90
"	L R L Minaro	1492	197	90
"	J B Patrick	1493	172	85
"	Est J B Jeanen	1494	172	85
530				
381	Unknown	1495	197	90
"	O Masse	1496	38	40
"	Louis Muh	"	38	40
"	Mrs Jane Jones	"	22	40
"	Unknown	"	44	10
"	Louis Muhr	"	54	90
"	Wd V Welhelm	1497	91	40
385	G Giscard	1498	24	85
"	Do	"	7	95
"	L F Hardinghy	"	16	40
"	Jean Vellas	"	16	40
"	G Giscard	"	8	20
"	J M Rideau	"	8	20
"	R Clanon	"	23	30
"	Adam Bursch	"	23	30
"	Est F Marquez	"	23	15
"	G Giscard	"	38	90
"	L F Hartinghy	"	7	70
"	Chs Frey	1499	49	15
"	P Uzercan	"	16	40
"	F Mayer	"	46	60
"	Mrs E Stapleton	"	80	50
"	Ed Ferrette	1500	33	35
"	Anto Brugera	"	16	95
"	F Lacroix	"	32	80
"	J Soulaguet	"	16	40
"	Geo Ward	"	8	20
"	A Steel	"	8	20
"	Unknown	"	65	50
386	S L St Cyr	1501	16	40
"	F Lacroix	"	32	75
"	S L St Cyr	"	32	80
"	Do	"	19	30
"	Unknown	"	52	05
"	Jules Lapene	"	40	95
"	Ed Gotchalk	1502	49	15
"	Gus Jacquet	"	16	40
386	Emma Sanchez	1502	65	95
"	Louis Meyer	"	32	75
"	Gus de Sere	"	76	80
"	Emma Sanchez	"	76	80
"	Unknown	"	51	20
387	Elise Bonette	1504	25	60
"	N Piscon	"	12	80
"	T L Maxwell	"	12	80
"	Mrs Jos Reymond	"	12	80
"	Breman & Chadux	"	12	80
"	Felix Pichon	"	25	60
"	J B Noel	1504	12	80
"	S Ballet	"	19	20
"	W Buchanan	"	19	20
"	Ch Lewis	"	6	40
"	Helen Zenon	"	6	40
"	Est Brinkman	1505	204	75
"	E P Girod	1506	9	70
"	C C Sampson	"	228	95
"	Miss E Charlot	1507	100	65
"	E L E Bonet	"	56	30
388	J B Etienne	1508	4	80
"	Rich Sivan	"	7	05
"	Jean Charles	"	7	05
"	Jno F Lock	"	32	00
"	Etienne & Jonville	"	39	05
"	Ben Julian	"	14	10
"	Jos Chevalier	"	7	05
"	A D Doriocourt	1509	18	70
"	Jno Bacas	1510	7	60
"	A D Doriocourt	1511	14	30
"	Unknown	1512	18	00
389	Jos Foucher	1513	94	80
"	O Bringier	"	32	95
"	H P Oldes	"	9	50
"	J Chevalier	1514	61	60
"	Miss Julia Haines	"	18	75
531				
389	Geo Dorr	1514	13	45
"	Dom Payran	"	13	25

Fo.		Sq're.		
389	Chs Dugerey	1514	12	50
"	Miss Mary Michel	"	12	50
"	Theo Himbert	1515	27	15
"	Sid Thezan	"	6	00
"	An Beinfew	"	6	60
390	Jean Beauvet	1517	12	05
"	C H Nobles	"	6	15
"	P V Rooten	"	22	50
"	Ad Bernier	"	12	30
"	Alf Barnet	"	12	05
"	L Alexander	1518	6	05
"	J Laronelle	"	18	00
"	B Weiser	"	6	60
"	A A Brugier	"	9	70
"	A Brugier	1518	26	60
"	B Weser	"	6	15
391	Mrs F A Calongu	1520	8	20
"	Jno H Smith	"	8	20
"	Cazenave & Beaulieu	"	11	80
"	Ed Druliet	"	33	25
"	Ed Z Cavalier	"	4	40
"	Mary Neilson	1522	32	50
"	Dennis Sheen	"	13	80
392	Jos Fuentes	1523	66	55
"	Conrad Gros	1524	23	55
"	Jno & Ellen Kenedy	"	7	50
"	H'y Parlange	1525	23	45
"	Mrs Gaines	1526	88	75
393	Jno Denis	1527	164	10
"	D K Whitaker	1528	12	00
"	Unknown	"	166	55
394	Do	1530	19	80
"	Jno Petit	"	11	90
"	J Foulander	"	17	70
"	F Agnelly	1532	8	70
394	F Agnelly	1532	33	25
"	A Augen	"	8	25
"	Est Jno Roy	"	8	25
"	Ferd Anguelly	"	62	30
"	Do	"	52	30
"	Unknown, Angues	"	16	75
"	Mrs Lestrade	1533	12	60
"	M Avetanicaude	"	19	20
"	Jean Porte	"	37	80
"	Jean Gegoue	"	31	40
"	Mrs M E Hofman	"	31	80
"	Alf Reifel	"	5	65
395	Jean Gegou	1534	90	00
"	P Berges	"	30	00
"	Jean Cestax	"	49	80
"	Victor Lasalle	"	19	80
"	J P Guinolt	1535	189	60
"	P Connier	1536	181	85
"	F Rothcomb	1537	106	45
"	Jas Titus	1539	6	55
396	F Carriere	1540	58	35
"	C C Sampson	1542	204	80
"	Unknown	1543	204	75
"	F Pichon	1544	166	40
"	H'y Armant	"	30	00
"	Est E Casero	1545	8	20
"	Geo Frey	"	73	75
"	Jos Savignet	"	102	40
"	Geo Wheeler	"	20	50
397	Mic O'Hanlon	1546	16	40
"	Wm Barclay	"	16	40
"	P J Poelman	"	20	80
"	Mrs T E Canty	"	49	15
"	Thos B Lee	"	53	30
"	Geo Frey	"	32	80
"	Nic Meilleur, Jr	1547	49	15
"	Unknown	"	68	55
532				
397	Jno Sporl	1548	65	55
"	Peter Miller	"	101	20
"	Mic Schwaetberger	1548	19	30
"	R Oriol	"	16	40
"	Est P B Boisfontain	1549	32	60
"	C Bernard	"	33	75
"	E Hoy	"	13	05
"	B Jochan	"	32	70
"	Mrs L Jones	"	7	70
"	B Raxach	"	18	55
398	J Port, Pont r'r'd	1550	134	70
"	Chas Vautier Luling	1551	40	40
"	Chs Lafitte	1553	20	50

Fo.		Sq're.		
398	F Lombard	1555	38	40
"	Eug Chretien	"	28	80
"	Miss Mag Monton	"	19	20
"	A Benjamin	"	9	60
"	E E Picot	"	19	85
"	Nic Miller	"	9	60
"	Unknown	"	36	50
399	O W Giovana	1556	19	85
"	G H Andry	1558	30	70
"	H'y Daspit	"	9	60
"	Wd A D Petano	"	9	60
"	L C Arny	"	9	60
"	E Bentonieux	"	19	20
400	L Duvigneau	1560	76	80
"	J E Canon	"	19	20
"	L Duvigneau	"	19	20
"	Unknown	"	48	30
"	Marie Martinez	1561	19	20
"	L Duvigneau	1564	136	20
"	Julie Livaudais	1565	8	60
"	Jean Carriere	"	21	75
"	" Petit	"	5	40
401	Rob M Davis	"	38	65
"	Jno K Bell	"	6	70
401	F Anguely	1568	16	30
"	J J Maniot	1569	20	00
402	Dan W Eames	1571	27	35
"	Do	"	27	35
"	Honore Gamet	"	30	00
"	L Artigne	1572	191	60
"	L Mailhos	1573	30	80
"	Est F Goudene	"	33	45
"	Louis Mailhos	"	6	60
"	C Hollaran	1575	1	30
403	Jno Witty	1576	150	75
"	P F Agnelly	"	54	00
"	Jno Frahan Robin	1577	201	30
"	Unknown	1578	36	95
"	And Stewart	1579	8	95
"	J B Augustin	"	62	50
"	Mrs P Wilman	1580	102	40
"	Mrs J M Crawford	"	102	40
"	Unknown	1581	204	75
404	Wd R Labrauch	1582	41	90
"	Eliz Boutte	"	102	40
"	Wd R Labranche	"	20	50
"	Mic O Tracy	1583	204	80
"	Est P A Rousseau	1584	16	40
"	Jules Bermudez	"	40	95
"	J Jaquet	"	40	95
"	Unknown	"	106	90
"	J Llado	1585	17	50
"	Jean Porte	"	11	35
"	C Lounier	"	9	45
"	Wd Wiltz	"	9	55
"	Jean Porte	"	16	25
"	" Sporl	"	16	25
"	Gus Jacquet	"	16	25
"	Hebrew Assn Touro	"	49	15
			33	70
"	L Hartenstein	1586	35	05
"	Est P Roger	"	16	40

533

Fo.				
405	Le Breton & Fletcher	1586	34	10
"	Mrs Ann Moran	"	13	80
"	J M Borges	1589	91	45
"	J B Patrick	1590	198	20
406	Do	1591	197	90
"	E H Bozonier	1592–3	370	75
"	Miss E Dolhonde	1593½	1	60
"	E H Bozonier	1594	197	90
"	Mrs M. O Tracy	1595, 6, 7	370	60
407	A Ralmiski	1598	197	90
"	Unknown	1599	197	90
410	J Lapene	1717	14	25
"	Jules Bermudez	1718	117	35
"	Wd C Oliver	1719	168	25
"	J. Bermudez	"	34	55
"	F G Robert	1720	81	90
"	Ph Lavergne	"	101	10
"	Robert	"	19	20
"	Unknown	1721	204	75
"	F Lacroix	1722	95	10
411	A H Porter	1724	14	10
"	G Cazenave	1725	101	75

Fo.				
411	Doc A Dupaquier	1725	103	05
"	Chris Haerer	1727	70	50
"	Wiltz, Pont R Rd	1728	84	90
"	J Marquet	1729	41	80
412	J Boringer	1730	89	55
"	P Lapayad	1732	85	75
"	M Berot	1735	35	75
413	Unknown	1736	144	35
"	P J Spear	1737	146	40
"	Alf Jacquet	1738	128	10
"	D H Fowler	1741	272	70
414	J B Sicard	1743	31	10
"	Mrs E C Gallard	"	98	00
"	J Egreteau	"	120	10
"	D H Fowler	1744	256	15
416	H'y de Mahy	1759–1760	425	65
"	New St L Cem	1758	244	90
417	New St Louis Cem	1761	331	20
"	F Grilot	1763	250	60
"	Do or unknown	1764	80	65
"	Do	1764–5	781	70
"	"	1766	590	55
"	J H Doescher	1767	92	50
"	Jos Madron	1768	5	00
418	New St Louis Cem	1771	241	95
		1773	72	60
"	Mrs C Rolle	1774	168	95
		1775	168	95
"	J H Doescher	1773	72	60
"	Do	1774	168	95
"	Do	1775–7	459	35
"	Mrs C Rolle	1776–7	290	40
"	J H Doescher	1778	74	35
419	J B Jacob	1779	26	45
"	O Garick	"	10	70
"	J B Jacob	"	15	30
"	Jos Talondy	"	6	60
"	J B Jacob	"	14	20
"	Fred Hammon	"	6	60
"	Unknown		81	60
"	P T Wiltz, Merch Ins Co	1780	180	20
"	Wd Peter Gutheil	1781	169	90
"	Jac Badinger	1782	204	75
"	Peter St Armond	1783	204	75
"	Unknown	1784	204	75
420	Do	1786	155	15
"	Jean Gazen	1787	82	55
"	Jean Porte	"	32	30
"	Jules Lavergne	1790	12	70
421	Jos Schaf	1935	204	75
"	Suc'n Ar Pitot	1938	85	75
"	Wm Somer	"	53	95
"	J P Moglich	"	44	25
"	Derete & Larien	1940	232	85

534

Fo.		Sq're.		
421	Mrs Wm Pierson	1940	383	15
"	Derete & Larien	1941	201	05
"	Unknown	"	221	45
"	Do	1942	226	55
"	Derete & Larien	"	206	85
422	Jean Derete	1943	217	80
"	Unknown	"	220	60
"	Derete & Larien	1944	67	60
"	Unknown	"	196	50
"	New St Lo Cem't'y	1945	190	75
"	Unknown	1946	118	15
"	Do	1947	148	35
"	Do	1948	228	45
"	Do	1949	377	75
"	Do	1950	371	85
"	Do	1951	391	25
"	Do	1952	408	25
423	Do	1952	409	65
"	Jean Derete	1954	130	30
"	Do	1955	163	30
"	Minors A Munir	1956	1	55
"	Mrs Gaines	1957	13	20
"	Unknown	2117	18	15
"	Do	2118	150	75
"	F Grillot	2119	202	65
"	"	2120	7	55
"	Unknown	2121	95	15
"	Do	2122	317	85
"	Do	2123	541	40
"	Do	2124	544	25

Fo.		Sq're.		
383	Jas A Fox	1488	98	95
"	Public square	1489	86	35
384	E E Dreyfus	1490	86	40
"	E Guion	1491	197	90
"	L R L Minaro	1492	197	90
"	J B Patrick	1493	172	85
"	Est J B Jeanen	1494	172	85
530				
384	Unknown	1495	197	90
"	O Masse	1466	38	40
"	Louis Muh	"	38	40
"	Mrs Jane Jones	"	22	40
"	Unknown	"	44	10
"	Louis Muhr	"	54	90
"	Wd V Welhelm	1497	91	40
385	G Giscard	1498	24	85
"	Do	"	7	95
"	L F Hardinghy	"	16	40
"	Jean Vellas	"	16	40
"	G Giscard	"	8	20
"	J M Rideau	"	8	20
"	R Clanon	"	23	30
"	Adam Bursch	"	23	30
"	Est F Marquez	"	23	15
"	G Giscard	"	38	90
"	L F Hartinghy	"	7	70
"	Chs Frey	1499	49	15
"	P Uzercan	"	16	40
"	F Mayer	"	46	60
"	Mrs E Stapleton	"	80	50
"	Ed Ferrette	1500	33	35
"	Anto Brugera	"	16	95
"	F Lacroix	"	32	80
"	J Soulaguet	"	16	40
"	Geo Ward	"	8	20
"	A Steel	"	8	20
"	Unknown	"	65	50
386	S L St Cyr	1501	16	40
"	F Lacroix	"	32	75
"	S L St Cyr	"	32	80
"	Do	"	19	30
"	Unknown	"	52	05
"	Jules Lapene	"	40	95
"	Ed Gotchalk	1502	49	15
"	Gus Jacquet	"	16	40
386	Emma Sanchez	1502	65	95
"	Louis Meyer	"	32	75
"	Gus de Sere	"	76	80
"	Emma Sanchez	"	76	80
"	Unknown	"	51	20
387	Elise Bonette	1504	25	60
"	N Piscon	"	12	80
"	T L Maxwell	"	12	80
"	Mrs Jos Reymond	"	12	80
"	Breman & Chadux	"	12	80
"	Felix Pichon	"	25	60
"	J B Noel	1504	12	80
"	S Ballet	"	19	20
"	W Buchanan	"	19	20
"	Ch Lewis	"	6	40
"	Helen Zenon	"	6	40
"	Est Brinkman	1505	204	75
"	E P Girod	1506	9	70
"	C C Sampson	"	228	95
"	Miss E Charlot	1507	100	65
"	E L E Bonet	"	56	30
388	J B Etienne	1508	4	80
"	Rich Sivan	"	7	05
"	Jean Charles	"	7	05
"	Jno F Lock	"	32	00
"	Etienne & Jonville	"	39	05
"	Ben Julian	"	14	10
"	Jos Chevalier	"	7	05
"	A D Doriocourt	1509	18	70
"	Jno Bacas	1510	7	60
"	A D Doriocourt	1511	14	30
"	Unknown	1512	18	00
389	Jos Foucher	1513	94	80
"	O Bringier	"	32	95
"	H P Oldes	"	9	50
"	J Chevalier	1514	61	60
"	Miss Julia Haines	"	18	75
531				
389	Geo Dorr	1514	13	45
"	Dom Payran	"	13	25

Fo.		Sq're.		
389	Chs Dugerey	1514	12	50
"	Miss Mary Michel	"	12	50
"	Theo Himbert	1515	27	15
"	Sid Thezan	"	6	00
"	An Beinfew	"	6	60
390	Jean Beauvet	1517	12	05
"	C H Nobles	"	6	15
"	P V Rooten	"	22	50
"	Ad Bernier	"	12	30
"	Alf Barnet	"	12	05
"	L Alexander	1518	6	05
"	J Laronelle	"	18	00
"	B Weiser	"	6	60
"	A A Brugier	"	9	70
"	A Brugier	1518	26	60
"	B Weser	"	6	15
391	Mrs F A Calongu	1520	8	20
"	Jno H Smith	"	8	20
"	Cazenave & Beaulieu	"	11	80
"	Ed Druliet	"	33	25
"	Ed Z Cavalier	"	4	40
"	Mary Neilson	1522	32	50
"	Dennis Sheen	"	13	80
392	Jos Fuentes	1523	66	55
"	Conrad Gros	1524	23	55
"	Jno & Ellen Kenedy	"	7	50
"	H'y Parlange	1525	23	45
"	Mrs Gaines	1526	88	75
393	Jno Denis	1527	164	10
"	D K Whitaker	1528	12	00
"	Unknown	"	166	55
394	Do	1530	19	80
"	Jno Petit	"	11	90
"	J Foulander	"	17	70
"	F Agnelly	1532	8	70
394	F Agnelly	1532	33	25
"	A Augen	"	8	25
"	Est Jno Roy	"	8	25
"	Ferd Anguelly	"	62	30
"	Do	"	52	30
"	Unknown, Angues	"	16	75
"	Mrs Lestrade	1533	12	60
"	M Avetanicaude	"	19	20
"	Jean Porte	"	37	80
"	Jean Gegoue	"	31	40
"	Mrs M E Hofman	"	31	80
"	Alf Reifel	"	5	65
395	Jean Gegou	1534	90	00
"	P Berges	"	30	00
"	Jean Cestax	"	49	80
"	Victor Lasalle	"	19	80
"	J P Guinolt	1535	189	60
"	P Connier	1536	181	85
"	F Rothcomb	1537	106	45
"	Jas Titus	1539	6	55
396	F Carriere	1540	58	35
"	C C Sampson	1542	204	80
"	Unknown	1543	204	75
"	F Pichon	1544	166	40
"	H'y Armant	"	30	00
"	Est E Casero	1545	8	20
"	Geo Frey	"	73	75
"	Jos Savignet	"	102	40
"	Geo Wheeler	"	20	50
397	Mic O'Hanlon	1546	16	40
"	Wm Barclay	"	16	40
"	P J Poelman	"	20	80
"	Mrs T E Canty	"	49	15
"	Thos B Lee	"	53	30
"	Geo Frey	"	32	80
"	Nic Meilleur, Jr	1547	49	15
"	Unknown	"	68	55
532				
397	Jno Sporl	1548	65	55
"	Peter Miller	"	101	20
"	Mic Schwaetberger	1548	19	30
"	R Oriol	"	16	40
"	Est P B Boisfontain	1549	32	60
"	C Bernard	"	33	75
"	E Hoy	"	13	05
"	B Jochan	"	32	70
"	Mrs L Jones	"	7	70
"	B Raxach	"	18	55
398	J Port, Pont r'r'd	1550	134	70
"	Chas Vautier Luling	1551	40	40
"	Chs Lafitte	1553	20	50

Fo.		Sq're.		
398	F Lombard	1555	38	40
"	Eug Chretien	"	28	80
"	Miss Mag Monton	"	19	20
"	A Benjamin	"	9	60
"	E E Picot	"	19	85
"	Nic Miller	"	9	60
"	Unknown	"	36	50
399	O W Giovana	1556	19	85
"	G H Andry	1558	30	70
"	H'y Daspit	"	9	60
"	Wd A D Petano	"	9	60
"	L C Arny	"	9	60
"	E Bentonieux	"	19	20
400	L Duvigneau	1560	76	80
"	J E Canon	"	19	20
"	L Duvigneau	"	19	20
"	Unknown	"	48	30
"	Marie Martinez	1561	19	20
"	L Duvigneau	1564	136	20
"	Julie Livaudais	1565	8	60
"	Jean Carriere	"	21	75
"	" Petit	"	5	40
401	Rob M Davis	"	38	65
"	Jno K Bell	"	6	70
401	F Anguely	1568	16	30
"	J J Maniot	1569	20	00
402	Dan W Eames	1571	27	35
"	Do	"	27	35
"	Honore Gamet	"	30	00
"	L Artigne	1572	191	60
"	L Mailhos	1573	30	80
"	Est F Goudene	"	33	45
"	Louis Mailhos	"	6	60
"	C Hollaran	1575	1	30
403	Jno Witty	1576	150	75
"	P F Agnelly	"	54	00
"	Jno Frahan Robin	1577	201	30
"	Unknown	1578	36	95
"	And Stewart	1579	8	95
"	J B Augustin	"	62	50
"	Mrs P Wilman	1580	102	40
"	Mrs J M Crawford	"	102	40
"	Unknown	1581	204	75
404	Wd R Labranch	1582	41	90
"	Eliz Boutte	"	102	40
"	Wd R Labranche	"	20	50
"	Mic O Tracy	1583	204	80
"	Est P A Rousseau	1584	16	40
"	Jules Bermudez	"	40	95
"	J Jaquet	"	40	95
"	Unknown	"	106	90
"	J Llado	1585	17	50
"	Jean Porte	"	11	35
"	C Lounier	"	9	45
"	Wd Wiltz	"	9	55
"	Jean Porte	"	16	25
"	" Sporl	"	16	25
"	Gus Jacquet	"	16	25
"	Hebrew Assn Touro	"	49	15
			33	70
"	L Hartenstein	1586	35	05
"	Est P Roger	"	16	40

533

Fo.				
405	Le Breton & Fletcher	1586	34	10
"	Mrs Ann Moran	"	13	80
"	J M Borges	1589	91	45
"	J B Patrick	1590	198	26
406	Do	1591	197	90
"	E H Bozonier	1592-3	370	75
"	Miss E Dolhonde	1593½	1	60
"	E H Bozonier	1594	197	90
"	Mrs M O Tracy	1595, 6, 7	370	60
407	A Ralmiski	1598	197	90
"	Unknown	1599	197	90
410	J Lapene	1717	14	25
"	Jules Bermudez	1718	117	35
"	Wd C Oliver	1719	168	25
"	J. Bermudez	"	34	55
"	F G Robert	1720	81	90
"	Ph Lavergne	"	101	10
"	Robert	"	19	20
"	Unknown	1721	204	75
"	F Lacroix	1722	95	10
411	A H Porter	1724	14	10
"	G Cazenave	1725	101	75

Fo.				
411	Doc A Dupaquier	1725	103	05
"	Chris Haerer	1727	70	50
"	Wiltz, Pont R Rd	1728	84	90
"	J Marquet	1729	41	80
412	J Bodinger	1730	89	55
"	P Lapayad	1732	85	75
"	M Berot	1735	35	75
413	Unknown	1736	144	35
"	P J Spear	1737	146	40
"	Alf Jacquet	1738	128	10
"	D H Fowler	1741	272	70
414	J B Sicard	1743	31	10
"	Mrs E C Gailard	"	98	00
"	J Egreteau	"	120	10
"	D H Fowler	1744	256	15
416	H'y de Mahy	1759–1760	425	65
"	New St L Cem	1758	244	90
417	New St Louis Cem	1761	331	20
"	F Grilot	1763	250	60
"	Do or unknown	1764	80	65
"	Do	1764–5	781	70
"	"	1766	590	55
"	J H Doescher	1767	92	50
"	Jos Madron	1768	5	00
418	New St Louis Cem	1771	241	95
		1773	72	60
		1774	168	95
"	Mrs C Rolle	1775	168	95
"	J H Doescher	1773	72	60
"	Do	1774	168	95
"	Do	1775–7	459	35
"	Mrs C Rolle	1776–7	290	40
"	J H Doescher	1778	74	35
419	J B Jacob	1779	26	45
"	O Garick	"	10	70
"	J B Jacob	"	15	30
"	Jos Talondy	"	6	60
"	J B Jacob	"	14	20
"	Fred Hammon	"	6	60
"	Unknown		81	60
"	P T Wiltz, Merch Ins Co	1780	180	20
"	Wd Peter Gutheil	1781	169	90
"	Jac Badinger	1782	204	75
"	Peter St Armond	1783	204	75
"	Unknown	1784	204	75
420	Do	1786	155	15
"	Jean Gazen	1787	82	55
"	Jean Porte	"	32	30
"	Jules Lavergne	1790	12	70
421	Jos Schaf	1935	204	75
"	Suc'n Ar Pitot	1938	85	75
"	Wm Somer	"	53	95
"	J P Moglich	"	44	25
"	Derete & Larien	1940	232	85

534

Fo.		Sq're.		
421	Mrs Wm Pierson	1940	383	15
"	Derete & Larien	1941	201	05
"	Unknown	"	221	45
"	Do	1942	226	55
"	Derete & Larien	"	206	85
422	Jean Derete	1943	217	80
"	Unknown	"	220	60
"	Derete & Larien	1944	67	60
"	Unknown	"	196	50
"	New St Lo Cem't'y	1945	190	75
"	Unknown	1946	118	15
"	Do	1947	148	35
"	Do	1948	228	45
"	Do	1949	377	75
"	Do	1950	371	85
"	Do	1951	391	25
"	Do	1952	408	25
423	Do	1952	409	65
"	Jean Derete	1954	130	30
"	Do	1955	163	30
"	Minors A Munir	1956	1	55
"	Mrs Gaines	1957	13	20
"	Unknown	2117	18	15
"	Do	2118	150	75
"	F Grillot	2119	202	65
"	"	2120	7	55
"	Unknown	2121	95	15
"	Do	2122	317	85
"	Do	2123	541	40
"	Do	2124	544	25

Fo.		Sq're.	
424	Do	2125	579 45
"	Do	2126	614 70
"	Do	2127	323 20
"	F Grillot	2128	44 00
"	Do	2129	32 35
425	Wm Melder, Patrick	1600	134 20
"	Do	1701	172 70
425	Wm Melder, Patrick	1702	197 90
"	Achille Kalinsky	1703	197 90
"	Mrs M O Tracy	1704	172 70
"	Do	1705	172 70
"	Mrs J B Patrick	1706	197 90
"	L P Fulda	1707	197 90
426	Mrs M O Tracy	1708	172 85
"	Geo Nicholson	1709	172 85
"	T Moran	1710	197 90
"	M L Ainsworth	1711	198 20
"	Jules Lapene	1713	47 35
"	Geo Kuszler	"	31 70
"	Jules Lapene	"	19 85
"	J B Sauvers	"	15 85
"	T Lindnor	"	15 85
"	Jules Lapene	"	19 85
"	Unknown	"	23 15
427	J Lapene	1714	118 95
"	Aug Desponier	"	31 75
"	L Hartenstein	1715	122 20
"	Unknown	"	61 10
"	Jean Porte	1716	77 90
"	P Lavergne	1788	3 20
"	Chs Fischer	1789	91 80
"	Mrs. Gaines	1791	169 85
428	Jean Porte	1792	173 15
"	L Mathieu	1793	82 60
"	Jules Lapeyre	"	115 65
"	Antho Fernandez	1794	198 30
"	Jas Govan	1796	182 80
"	M L Ainsworth	1797	198 20
"	T Morano	1798	197 90
"	Geo Nicholson	1799	172 85
429	Mrs M O Tracy	1800	172 85
"	J B Patrick	1801	197 90
"	Jno Hart	1802	197 90
	N Frechow	1803	172 70

535

429	Achille Kalinski	1805	197 90
"	Wm Melder	1807	172 70
430	Wd A F Baumard	1912, 1913	370 60
"	A Kalinski	1914	197 90
"	Mrs. M O Tracy	1915	172 70
"	N Frechow	1916, 17	370 60
"	T Morano	1918	197 90
"	Mrs M O Tracy	1919	172 88
"	T Morano	1920, 1921	370 75
431	W L Ainsworth	1922	198 20
"	Peter Dick	1923	182 80
"	Chs Noland	1924	197 90
"	S Aruno	1925	99 15
"	Ch Chardon	"	99 15
"	J Lapene	1926	172 80
"	F Segua	"	17 30
"	O Zenon	"	8 20
"	J Porte	1927	39 35
"	J Bermudez	"	133 80
"	Mrs H'y F Romes	1928	179 95
"	Carl Fischer	1929	204 80
432	Alph Miltenberger	1930	97 85
"	H Verdon	"	97 85
"	A Miltenberger	1931	96 85
"	C W Hopkins	1962, 3	261 00
"	A Miltenberger	1964, 5	307 15
"	P Lavergne	1965	51 20
432	Mrs R Labranch		51 20
"	P P Caret	1966	204 80
"	J G Reisier	1967	179 95
433	Martha Soye	1968	173 15
"	Jules Lapene	1969	41 30
"	Mrs N Landry	"	157 00
"	Jules Lapene	1970	74 35
"	L Rinoche	"	123 90
"	D Cronan, Jr	1791	74 20
"	Unknown	"	123 70
433	J E Darse	1972	182 80
"	J B Patrick	1973	140 45
"	Geo Levinger	"	57 80
"	Jos Marencovich	1974	131 95

Fo.		Sq're.	
433	A Catolo	1974	65 95
"	T Morano	1975	172 85
434	J B Patrick	1976	172 85
"	T Morano	1977	197 90
"	T G Rapier	1978	197 90
"	J B Patrick	1979	172 70
"	A Kalinski	1980	172 70
"	J B Patrick	1981	197 90
"	Boumarde	1982, 3	370 60
435	Chs Lamon	2092	112 30
"	Hopkins Plant'n	2092, 3	115 95
"	Chs Lamon	2093, 4	299 45
"	Hopkins Plant'n	2094, 5	67 10
"	Chs Lamon	2095	73 15
"	A Kalinski	"	73 15
"	J B Patrick	2096	162 95
"	Hopkins Plant'n	"	9 70
"	F G Rapier	2097	197 90
"	Jos Govan	2098	197 90
"	L P Fulda	2099	172 85
436	J P Patrick	2100	104 65
"	Miss M A Levasseur	"	68 20
"	Chs Petrie	2101	98 95
"	B L Fulda	2101	98 95
"	J B Patrick	2102, 3	381 00
"	J Q A Fellows	2104	197 90
"	M Soye	2105	198 30
"	Martin Soye	2106	198 30
"	Jules Bermudez	2107, 8	353 10
437	Cesar Olivier	2109	102 40
"	P Lavergne	"	102 40
"	Jules do	2110	51 20
"	Mrs A Capdeville	"	18 50

536

Fo.			
437	Geo Olivier	2110	32 65
"	J Q A Fellows	"	102 40
"	J A Blanc	2111	204 80
"	Hopkins Plan	2112-14	410 25
"	P H Morgan	2115	88 65
"	Do	2116	80 60
"	Do	2130, 1	237 20
438	Do ½	2132	102 40
"	Unknown, ½	"	102 35
"	Do	2133	204 75
"	Do	2134	178 65
"	Do	2135	46 10
"	Alph Millenber	2136	80 30
"	J A Blanc	2137	203 90
"	C Olivier	2138	102 40
"	J Q A Fellows	"	102 40
"	Wm Hogan	2140	179 95
439	Martin Soye	2141-3	478 60
"	Unknown	2143	90 90
"	J Q A Fellows	2144	197 90
"	J B Patrick	2145, 6	381 00
"	City of N O	2147	197 90
"	Levaseur & Patrick	2148	86 45
"	Union Sq're	249	378 00
440	Hopkins Plant	2150 to 2157	1,309 80
441	Do do	2269 to 2277	1,320 30
"	Miss M L Levaseur	"	75 85
442	Ed Barnett	2278	197 90
"	J Q A Fellows	2279	198 20
"	E Barnett	2280	182 80
"	J Q A Fellows	2281, 2	396 20
"	Martin Soye	2283	198 30
"	L Hartenstein	2284	173 15
"	Labbe & Hubert	2285	179 95
"	H Lavergne	2286	102 40

Fo.		Sq're.	
442	Mrs B Labranche	2286	102 40
443	Geo Olivier	2287	115 55
"	J Q A Fellows	"	40 10
"	Unknown	2288	3 70
"	J Q A Fellows	2289	110 70
"	Unknown	2290	23 90
"	Wd Peter Guthein	2292	204 70
"	Geo F C Strobel	2293	204 70
"	Unknown	2294	204 70
"	P H Morgan	2295 to 2299	810 15
444-4	Do	2300 to 2318	2,090 25
446	T Carierre	2319	147 45
"	Unknown	"	57 80
"	F Carrere	2320	204 75
"	Unknown	2322	204 80

Fo.		Sq're.	
446	Chs Jenfer	2323	204 75
"	Unknown	2324	194 45
"	H'y Armant	2325	64 10
"	Do	2326	61 15
447	F Haubert	2327	81 70
"	Jean Labbe	"	81 70
"	Mic Lorens	3328, 2329	346 30
"	J Q A Fellows	2330	198 30
"	J Cazeau	2331	82 60
"	Unknown	"	41 30
"	Geo Ferwing	"	74 35
"	Ed Barnett	2332, 3	380 70
448	Hopkins Plant	2334	62 45
"	J Q A Fellows	2335	137 45
"	Hopkins Plant	2335 to 2343	1,680 60
450	Do	2456 to 2466	1,903 30
"	Jno Muller	2466	148 20
"	Unknown	2467	182 80
"	Ar Bauman	2468	15 10
"	Louis Mestier	"	53 05
"	P Wicker	"	118 60
"	Sol Block	"	20 05
537			
450	J Q A Fellows	2469	198 30
451	Mic Lorenz	2470, 71	293 75
"	J Q A Fellows	2472	16 80
"	Unknown	" –75	556 55
"	Eng Christian	2476	204 75
"	J J E Planchard	2477	204 80
452	Evariste Blanc	2478, 79	409 50
"	Wd Seb Trigacques	2470	204 75
"	Unknown	2481–3	443 45
"	–13 P H Morgan	2483–93	1,304 40
453	Do	2494–2501	459 60
454	Unknown	2502–4	426 35
"	Jno M Dougal	2505, 6	409 50
"	Do	2508	41 00
"	Wm M Swadley	"	163 75
455	Hamilton Simms	2509	204 75
"	Unknown	2510–13	819 15
"	Alph Desland	2514, 15	350 80
"	T Zangane	2516	36 95
"	J Q A Fellows	2517, 18	198 30 & 82 90
456	H'y Lorens	2519	98 95
"	Mic Denies	"	98 95
"	Hopkins Plant	2520	28 90
"	Jno Miller	2520, 1	159 85
"	Hopkins Plant	2521	192 20
"	Matilde Dunoy	2522–26	939 45
"	Hopkins Plant	2527–30	741 20
457	M Dunoy	2531	172 70
"	Do	2646–8	568 65
458	Hopkins Plant	2640–57	1,658 00
"	Jno Denies	2658	197 95
"	H'y Lorens	2659	121 20
459	Jean Aurienne	2660, 1	208 90
"	Unknown	2662–8	
"	D Boadley, &c	2669	136 55
"	Jno McDougal	2669–72	682 65
460	Unknown	2673–5	450 60
460	P H Morgan	2676–8	186 95
"	Jno McDougal	2681½	68 25
"	J R Taylor	2682–4	614 40
461	Unknown	2686, 7	131 15
"	Wm W Swadley	2688	25 60
"	John McDougal	2688	65 45
"	Unknown	"	113 75
"	Jno McDougal	2689–92	614 40
"	Unknown	2693–2700	1,582 20
462	J Aurienne	2701, 2	381 20
"	Unknown	2703	7 45
"	Hopkins Plant	2704	83 20
"	H'y Freed	"	58 45
"	Jno Miller	2705	182 85
"	Hamilton Plant	2706–16	2,053 05
464	Mrs Matilde Daunoy / Do do	2834–46	2,227 70
"	Public School	2847	50 90
"	Geo C Fasley	"	25 90
"	Jac Tambairn	"	82 35
"	H'y Herzog	2848	82 45
"	Jean F Blanc	"	16 75
"	Jno Eschman	"	99 15
"	O Zangani	2849, 50	284 20
"	Unknown	2851	352 20

Fo.		Sq're.	
464	Alf Deslond	2852–4	614 55
"	Unknown	2855–7	614 45
465	McDougal & Taylor	2858–74	1,531 45
466	Unknown	2887 to 2883	1,399 60
"	O Zangani	2884–6	557 05
"	Unknown	2887	198 35
"	F Meyer	2888	19 85
"	G Gubalite	"	32 85 & 51 80
"	F G Schafer	"	29 75
467	Hebrew Cong	2889	197 95
"	J M Tupery	2890	121 70
"	Hopkins Plant	2891–2903	2,014 20
"	Do	3024–31	1,212 75
538			
468, 9	Hopkins Plant	3023, 4	424 90
469	Unknown	3034	21 10
"	Mrs L Chauvet	3035	58 25
"	Unknown	"	125 90
"	Julien Fellon	3036	60 65
"	Jno Brown	"	61 20
"	J Guebelati	"	61 20
"	J Lansereau	3037	25 55
"	L C A Billano	"	17 05
"	Ed Marc	3038	198 35
470	F Mayer	3039	198 35
"	Emile Augaud	3040	73 60
"	H'y Herzog	"	45 75
"	Armard Bernard	"	7 35
"	Frank Perret	"	7 35
"	Fred J Jacquet	"	7 35
"	W R Meek	3040, 1	76 55
"	Unknown	3041–3	138 60
"	O Zangani	3044	204 85
"	Unknown	3044	409 70
"	Do	3045–51	1,297 10
471	Wm W Swadly	3052	102 40
"	Jno McDougal	"	102 40
"	Unknown	3053	51 20
"	Society Relief Des O Boys	3059 to 3068	1,617 20
472	Unknown	3069–71	614 45
"	O Zangani	3072–4	614 55
"	Unknown	3075	180 00
"	F Lacroix	3076	173 20
"	H Samory	3077	198 35
"	F'k Meyers	3078	198 35
"	C Dietz	3080	137 15
"	G B Schafer	"	45 70
473	C H Cook	3081	103 70
"	Hopkins Plant'n	"	60 15
"	H'y Herzog	"	33 90
473	Hopkins Plant'n	3082–91	1,594 70
"	Do	3088	86 40
"	Do	3216–26	2,022 90
474	Unknown	3226	29 15
	C Dietz	3227	76 00
	A C Lackmeyer	"	15 45
474	Geo B Schafer	3227	15 45
"	Unknown	"	75 90
475	Fre'k Fries	3228	84 60
"	H'y Gammet	"	28 10
"	Jas Walsh	"	27 80
"	Unknown	"	57 30
"	Pat Murphy	3229	99 15
"	Dan Albert	"	99 15
"	Unknown	3230	198 35
"	Geo W Woodberry	3231	384 85
"	O Zangani	3234, 5	409 70
476	Alf Deslonde	3236, 7	409 65
"	So Relief Des O Boys	3248–46	1,840 60
"	Unknown	3247	6 25
"	So R Des O Boys	3248	33 60
"	Unknown	3249	1,032 30
"	Do	3255–8	819 20
477	Alf Deslandes	3259	204 80
"	Unknown	3260	204 80
"	Zangani & Unknown	3261 to 65	999 35
"	H'y Montford	3266	173 20
"	Pat Murphy	3267	198 35
"	Unknown	3268	198 35
478	Fred Fries	3269	38 40
"	Doc M S Rosavally	"	42 90
"	Walsh & Clark	"	212 90
"	Est J B Janin	3270	129 10
"	Hopkins Plant	3270 to 3281	2,105 80

Fo.		Sq're.	
480	Do ..... 3409 to 3420		2,212 45
"	Unknown..... 3420		22 45
"	Anto Mascaro..... 3421		99 00
539			
480	Unknown..... 3423		198 35
"	Wm Alexander..... 3524, 5		353 20
"	Unknown..... 3426		204 85
481	Josephine Lacoste..... 3427		204 85
"	O J Donely, Zang..... 3428		204 80
"	Dest O Boys..... 3429 to 3433		1,024 05
"	Do ..... 3434 to 3454		4,182 80
482	Josephine Lacoste..... 3455		204 85
"	Unknown..... 3456 to 3458		558 05
"	J Cruisue..... 3459		110 40
"	J B Jacquet..... "		88 00
"	Leon Chesse..... 3460		198 35
483	L C A Billard..... 3461		195 20
"	Hopkins Plunt'n..... 3461–67		1,125 55
"	Do 3468–73		1,112 10
"	Do ..... 3605 to 3614		1,853 80
485	Daunoy 3615–17		463 20
"	F Lacroix..... 3617, 18		122 25
"	J E Alter 3618		191 95
"	Unknown..... 3619		198 35
"	J Pereira..... 3620		173 20
"	Mrs Hypo Lebon..... 3621		180 00
"	Unknown..... 3622		204 85
486	So Relief Des Boys..... 3623–36		2,867 30
"	" " 3645–53		1,787 00
"	Milne Assy'm Des Girls..... 3637–44		1,671 95
487	Artemon Hill..... 3654		198 35
"	Hopkins Plant. 3655		8 75
"	Unknown..... "		189 00
"	F Lacroix..... 3656		6 85
488	Hopkins Plant..... 3459 to 3668		2,446 00
"	Do 3802		568 65
489	Do 3805–15		1,968 85
"	Unknown 3815		93 70
490	Jos Pereira..... 3816		198 35
"	Jno Malloy 3817		173 20
490	Jno Longpre..... 3818		180 00
"	So Relief Des Boys..... 3819 to 3825		1,433 80
"	Milne As'n O Girls..... 3826 to 3839		2,867 20
491	Do do 3840, 1		409 60
"	So R Des Boys..... 3842–9		1,613 80
"	J Castenedo..... 3850		173 20
"	Wd A Vignaud..... 3851		192 05
492	Hopkins Plant..... 3851 to 3865		2,635 30
"	Do 4001–8		1,310 15
"	Do 4009–14		804 15
494	Female O Asy'm..... 4014, 15		198 75
"	Hopkins Plant..... 4015		58 90
"	Female O Ass'm..... 4016, 17		284 95
"	So Relief D Boys..... 4019–23		909 65
"	St James Square..... 409		345 60
"	Osiris do 4018		345 60
495	So R Des Boys 4024–26		512 00
"	Isis Square..... 4027		345 60
"	Milne As'l'm O Girls..... 4028–43		2,937 15
496	So R Des Boys..... 4044–51		1,421 60
"	Female O Asyl'm..... 4052–5		664 20
"	Milne A Des O Boys..... 4056		182 85
"	Do do 4057		158 35
"	Hopkins Plant'n..... 4057, 8		126 85
497	So R Des O Boys 4064		645 30
496	Milne Asy do 4058		117 60
"	" " 4059		55 15
"	" " 4060		62 70
"	" " 4061		152 15
"	" " 4062		163 35
"	" " 4063		152 25
"	Hopkins Plant'n..... 4059–64		165 70
498	So R D O Boys 4204–7		741 80
"	Milne A O do 4208–15		1,493 50
"	Female O Asy..... 4216–19		750 85
499	So R Des Boys..... 4220–7		1,613 80
"	Milne D O Girls..... 4228–39		2,047 85
540			
500	Milne D O Girls..... 4240–2		819 00
"	So R Des Boys..... 4244–51		1,613 35
"	Female Orp So..... 4252–5		750 70
"	Milne A D O Boys..... 4256–63		1,493 10
"	1 So R D O Boys 4264–7		741 20
502	So R D O do 4404–7		741 20
"	3 Milne A D O Boys..... 4408–16		1,673 95

Fo.		Sq're.	
502	Female O So 4417–20		749 70
"	So R D Boys..... 4420–6		1,228 65
503	" " 4427		204 75
"	4 Milne A D Girls..... 4428–45		2,800 25
"	" So R D Boys..... 4446–52		1,631 40
"	Female O So..... 4454–57		750 60
505	Milne A D O Boys..... 4458–65		1,493 10
"	So R O Boys..... 4466–69		741 20
506	" " 4605–9		913 90
507	Milne Assy D Boys..... 4615–14		939 00
"	" " " 4615, 16		381 00
"	Female O S..... 4617–20		750 60
"	So R Des Boys..... 4621–9		1,818 10
508	Milne Assy'm O Girls..... 4630–44		2,535 80
"	So R D O Boys..... 4645–50		1,228 55
509	Do do 4651, 2		384 75
"	Female O Asy..... 4653–6		750 60
"	Milne A D O Boys..... 3657		182 80
"	Hypo Flory..... 4658		198 20
"	Milne A D O Boys..... 4659 to 64		1,112 10
"	So R Des Orp do 4665–4668		741 20
511	" " do 4806–9		741 20
"	Milne Asy D O " 4810–17		1,493 10
"	Female O Asy... 4818		750 60
"	& 512 So Rel Des Boys. 4822 to 4829		1,613 35
"	Milne Asy O Girls..... 4830 to 4835		1,194 55
"	" " " 4836–42		797 00
513	" " " 4843–6		535 50
"	Foreigners' square..... 4847		408 75
"	So R Des Boys 4848–57		1,449 85
513	Rome square..... 4858		408 75
"	14 Female O Asy..... 4859–64		616 80
514	Milne O D O Boys..... '65 to 70		609 90
"	National squ're..... 4871		408 75
"	Milne A D O Boys..... 4872, 3		95 20
"	Suc J A Fryer..... 4874		197 90
"	Milne A D O Boys 4875, 76		370 60
"	So R D O Boys..... 4877 to 81		672 05
516	" " " 5028–30		301 45
"	F Daubert..... 5031		197 90
517	So R D O Boys. 5032		172 70
"	Milne A D O Boys..... 5033 to 5043		1,273 60
"	Female O A..... 5044–49		616 80
518	So R D Boys..... 5050–5		914 40
"	" " 5056–60		631 50
"	Milne A D O Girls..... 5061–6		877 80
519	" " 5068–82		2,873 50
"	Female O Asy..... 5083–6		697 00
"	Milne A D Boys..... 5087–90		752 75
520	" do 5091–4		741 35
"	So Relief Des O B..... 5095		172 70
"	F Daubert..... 5096		197 90
"	S R Des O Boys..... 5097, 8		370 60
521	" " " 5230–41		568 20
522	Milne A D " 5243–8		1,309 70
"	Suc Jacinte Aleix..... 5249		41 75
"	Jean Fryer ..... "		115 65
"	Female O S..... 5250–3		750 20
"	So R Des Boys..... 5254–61		1,612 40
523	Wm H Bell..... 5262		204 65
"	Mrs B Durand..... 5263		204 65
"	Milne A D O Girls..... 5264–66		591 55
"	Do " do 5267		86 60
"	Unknown..... 5272		102 35
"	Jac Newhauser..... 5272		102 35
524	..... 5275, 76		60 50
"	So R Des Boys..... 5277–80		249 20
541			
Fo.			
524	H Hofman..... 5280		16 40
"	So R Des Boys..... 5281		101 20
"	Female O Asy..... 5282		87 20
"	Do 5283–5		415 25
"	Mig Brisolara..... 5285, 6		82 85
"	Unknown 5286		93 05
"	Mig Brisolara..... 5287, 8		395 90
"	Milne As O Boys..... 5289–92		741 10
"	Daubert..... 5293		172 60
525	So R D Boys..... 5294–97		740 80
526	" " 5432–4		505 40
"	P E & P O Wiltz..... 5434		62 80
527	Milne A..... 5435–7		530 20
"	Pat A Desforges..... 5437		16 40
"	A Doriocourt ..... "		16 40
"	Milne A D Or Boys..... 5438		153 75
"	" " 5439–42		276 45

Fo.			
527	Mig Brisolara	5442	132 70
"	Michel to Umaran	5443	16 40
"	M Kuntz	"	16 40
"	Evershad to Bilman	5444	16 40

Fo.			
527	Jno G Smith		3 35
"	So R Des Boys.	5476-78	220 30
"	E Lavigne	5479	124 15

542 4th D'g Dist.

Fo.			
4	Mrs Cath Donivan	15	8 00
5	Wm C Kinseler	"	8 00
6	Jno Lambias	"	4 95
7 & 8	Est Chas Fulda	"	10 80
43	G F Sturm	17	11 25
71	Do	19	4 80
73	Jean Petit	"	4 80
76	Geo F Sturm	"	4 80
100	Mrs Dam Sigel	21	1 05
P't 100	" Ch Koeller	"	5 45
102	Minors Thinsted	"	5 65
107	Jos Lavoranne	"	11 05
109	Jos Maginoni	"	7 75
126	Paul Gruer	22	3 05
127	Jno Duclos	"	3 10
131	Wd L Castion	23	26 45
135	Wash'g Pub Sch	"	57 75
136	" Free Market		29 45
137	Touro Alms Ho	24	189 80
& 38	P & R Deverges	25	39 35
142-5	Mrs B Cornu	"	17 70
144	Black & Byington	"	6 50
181	L & C Reuben	32	10 25
182	Bap Desbon	"	30 80
190	Jas K Muller	33	20 55
P't 196	Pat Irwin	35	26 30
197	Jos Noel	36	32 00
203	Do	127	56 80
P't 205	Pat Irwin	128	85 80
207	J A Fryer	129	36 35
208	Unknown	"	12 20
211	J Aleix	"	30 35
214, 215	J A Fryer	"	27 35
221	P Weitzel	130	7 35
222	Henrietta A Blum	"	14 50
226	G W Woester	"	18 15
230	St Mary's C O Asy	131	154 90
P't 245	Mrs M See	133	141 45
246	T B Lee	134	17 60
248	S Lacey	"	17 60
249	City N O	"	54 50
251	Unknown	"	5 80
274	D C Bell	136	12 65
285	Mary A Turner	137	6 10
P't 290	Mrs H'y Laurence	138	7 10
291	Ch M Carierre	"	13 20
294	Touro Alms-house	139	126 45
P't 298	Jno H Brugeman	"	17 05
309	City N O	140	9 00
310	Mercht Mut In	"	15 10
312	Ameline Wyune	"	10 25
314	P S Wiltz	141	45 15
320	Mrs Jas Murphy	"	5 70
322	Clark & Cooper	"	23 80
323	Jas Cooper	"	15 95
325	Zuntz & Smith	"	32 50
P't 334	Wd Alex H Johnson	"	11 15
337, 8	Zuntz & Smith	142	106 55
340	J L Boey	"	8 80
343	J D Siembreth	"	7 50
346	Jos G Greve	"	5 90
349	Mrs E Scheznaider	142	4 35
360	L Schalert	143	17 70
363	Wdw Ch Koehler	"	10 10
367	Unknown	"	6 65
372	W A Puddy	144	9 60
374	H'y Klopenberg	"	16 70
376	Mrs Jos Williams	145	7 15
378	O Canton	"	4 95
379	Mrs Eliz D Todd	"	4 95
381	Merch M Ins Co	"	7 15
383	Mrs Jas Kemp	"	10 15
394	Anais Nott	146	7 45
402	Terence Cousin	147	15 10

543

Fo.		Sq're.	
403	Chs Herz	147	7 55
414	Mat Toomey	"	7 55
416	Jos W Girod	166	4 00
419	Geo W Nott	"	5 80
427	Wm H Laster	"	2 90
437	Miss C & S Larsen	"	7 80
447, 8	M C Garvey	167	14 20
482	Est L Deluzain	170	4 60
506	Mrs Alf Bourges	171	17 10
515	Wd Benedict	"	36 00
519	Mrs G B Giguel	172	7 55
521	Jno H Williams	"	15 10
527	Mrs J B Serano	"	6 35
534	So Mt Carmel	173	74 90
535	Jno H Williams	"	24 95
538	Mrs Jas F Johnson	"	7 21
539	" T H Baumgarden	"	7 20
540	H C Lemarie	"	12 00
541	Ed Watson	"	16 80
543	Est Adam Schot	174	14 50
P't 545	H'y Thoman, Jr	"	7 25
547	Est Ad Schot	"	4 85
550	Wd W H Gauxch	175	8 75
551	Rufus Waples	"	43 70
559	Jacob Ulmer	176	9 10
561	Geo Zimmer	"	6 45
588	Jos Haus	179	7 70
600	Mrs L Lallerie	180	7 05
P't 613	D Schulte	181	7 70
614	Jno Vernehon	"	15 35
624	A Schmitz	183	11 65
625	Mrs J Hazenkamp	"	11 65
632, 3	Pat Irwin	184, 5	273 30
637	Val Smith	234	76 95
P't 638	A Sambola	235, 236	74 20
639-41	Pat Irwin	237	281 10
642-4	Jno Woolford	238	69 00
657	Jos Ulrich	289	34 55
661	Ph Germard	240	7 40
669	Jos Gaitie	241	7 05
P't 670	P Assel	"	24 00
680	Gus Sromstein	242	7 70
682	Mic Pepin	"	15 35
685	Chrs Holtke	243	15 10
687	Jno Davidson	"	43 50
689	Dom Larien	"	7 35
699	Chs Cook	245	5 95
704	Wm Holtgrave	"	13 55
710	Unknown	245	6 15
721	Mrs D Durham	246	6 35
725	Wm Scholman	247	12 20
728	Chs Cook	"	4 75
729	F'k Welbrook	"	4 75
733	F Degrois	"	19 40
742	Anna M Meyer	248	11 90
752	F Welbrook	"	7 70
755	J Darsau	"	3 30
756	Andrew Walk	"	3 30
767	P A Tabrary	249	7 55
783	L A Wiltz	250	9 95
787	R D McCullum	"	7 55
795	Mrs Robt Cooney	"	8 25
799	Unknown	"	10 10
803	St Vincent Church	251	41 45
808	Mrs Theob Klein	"	5 05
829	Unknown	"	4 90
835	Jno Kohlman	"	9 00
840	Wd C J Holbrook	254	6 00
841	Fire Eng No 24	254	6 00
848	Aug Gerard	"	6 00
P't 850	Chs Stewart	"	5 80
854	Jno May	"	7 90

Fo.		Sq're.	
861	H'y Wendt	255	20 80
P't 867	German Ch	"	7 80

544

Fo.		Sq're.	
868, 9	German Ch	255	17 40
874	Ann Gallagher	"	7 80
878	Chas Walker	278	5 80
886	Anne E Howe	"	7 80
908	Mrs A Gras	279	5 80
P't 925	A Benno	280	9 60
937	Barbara Ricker	281	6 40
945	Jacob Sieben	282	8 20
949	E Eichelberger	"	65 55
958	Jos Diggs	"	10 35
959–61	Unknown	"	17 90
962	Aug Ohse	"	9 60
965–6	Miss E Bertrand	283	64 10
972	Mrs F Lauson	"	5 55
980	H Kumbrock	"	9 90
982	Jno Anderson	"	29 45
1005	Wd G Baumgarden	285	11 85
1013	Ch A Jacquet	"	23 05
1014	A Vickner	"	15 35
1016	H'y Dussor	"	7 70
1019	J A Massicot	"	7 70
1020	Unknown	"	7 70
1024	Est J F Reeling	286	6 35
1039	Jno R Kendy	287	5 70
1040	Theo Wiltz	"	5 70
1043	Pierre Ducros	"	4 90
1051	Anatole Jany	288	27 10
1052	A & D Morales	"	5 95
1055	Chs Cook	"	6 35
1056	Pierre Burger	"	3 25
1057	L P Desmouseau	"	3 25
1059	Mr & Mrs F'k Meyer	"	6 00
1075–7	City, McCarty Sq're	290	232 10
1079	Heirs B Cadelan	291	15 35
1093	H'y Bordman	292	7 05
1094	Bousquet & Lacroix	"	14 10
1095	Alf Guilmane	"	4 00
1096	P F Nouvet	292	7 05
1097	J L Daunoy	"	7 05
1098	Est Mrs Espinosa	"	23 10
1100	F C Holter	"	11 20
1102	J P Gartner	"	8 00
P't 1103	P Weitzel	293	36 90
"	" P F Nouvet	"	7 70
1104–6	Peter Weitzel	294	113 90
1110	Pat Irwin	296	170 90
1111	Do	297	115 55
½ 1113	Val Smith	298	75 50
½ "	F Sambola	"	75 50
1114, 15	Louis Ruch	299 & 346	172 30
1116–9	Do P Irwin	347–9	551 65
1121	Duart & Wiltz	351	220 20
1126	Joe Safete	352	7 70
1127	Unknown	"	14 65
1128	Jean Baron	352	12 00
1130	Unknown	"	7 20
1131	Jean Nousky	"	11 00
1132	Peter Weitzel	"	44 70
1134	Aug Guerin	353	6 80
1136	Jean Nousky	"	6 80
1137	Aug Guerin	"	33 65
1138	Jno P Schmidt	"	26 40
1139	Jacob Hoth	"	19 80
1141	L Horning	"	39 15
1142	J Leusic	"	6 60
1144	F Naignon	"	19 80
1147	Est Ms Espinosa	354	14 40
1148	Adolphe Care	"	11 90
1149	Jno Davidson	"	28 10
1150	J H Darling	"	44 65
1151	J J Duconge	"	11 90
1152	J Davidson	"	7 45
1155	Isabel T M O de Serre	"	14 65
1157	D J I Brown	"	14 90

545

1158	City N Orl's	355	56 70
1161	Wd M F Delatour	356	15 75
1165	Jo M Subileau	"	98 10
1175	Wd J F Burke	357	7 25
1176	Pierre Miller	"	7 60
1181	So Holy Cross	358	138 95

Fo.		Sq're.	
P't 1182	Jo Hamburger	359	6 40
1185	Mrs Rose A Larsen	"	3 85
1188	Miss J Capedevil	"	12 75
1190	Mrs J P Zatarain	"	15 70
1193	Jo Pierson	"	7 85
1194	Mrs C Sourd	"	15 90
1195	Est R Johl	"	12 75
1209	Est Mic Browne / Mrs Rob't Johl	360	7 75
1210	Jno Hauft	"	7 75
1212	Jno Hogan, 2d	"	7 75
1217	Barbara Doll	"	6 00
1219	F Daubert	"	26 40
1228	Chs Schuman	361	29 05
1229	F Daubert	"	21 60
1232	Mary A Treme	"	7 10
1240	Unknown	"	5 30
1241	Alleys	"	9 95
1250	Miss E Bertrau	362	6 45
1254	L Darson	362	6 85
1258	H H Bierhorst	"	24 60
1261	Mrs Cath Riley	"	3 85
1270	Alleys	"	18 25
1274	Paul Poincy	363	24 60
1276	H'y Fehor	"	9 00
1283	Mrs Forestier & Villere	"	16 40
1287	" Alf Jacquet	"	14 40
1291	—— Schaefer	"	39 00
P't 1284	M do	"	4 10
1293	City N O	364	24 30
1355	Ch Noland	396	6 00
1361	Jas Wood	"	12 05
1369	Pat Powers	397	6 00
1372	Mrs H H Schultz	"	6 00
1373	J J Lugenbuhl, 2	"	6 00
1375	Jules Lapene	"	7 90
1379	Elzida Curi	398	7 70
1388	L Royer	"	9 00
1388	Mrs J Louis	"	32 00
1393	Francis Cooper	"	7 20
1395	Laurent Roger	398	5 55
1396	Alley / Est Jo Rofignac	"	3 15
1399	" do	399	74 90
1400	J F Barthelemy	400	68 35
1403	Geo F Sturm	"	6 85
1413	H'y Flohr	"	27 35
1419	H'y Zabel	401	14 55
1421	V Montel	402	14 85
1433	Chs Schloser	"	7 50
1438	Geo Westerhouse	403	17 80
1439	Fred Scrin	"	5 50
1440	W W Wilhemston	"	8 20
1444	Mrs F Laison	"	8 20
1445	Jno P Faust	404	27 60
1446	Jos Hantz	"	17 05
1447	Adam Schot	"	7 10
1449	Jno P Faust	"	21 35
1451	Jas Donnelly	"	17 05
1452	J Beeher	"	21 60
1453	Ad Schot	"	14 15
1454	Wd F Couget	405	14 30
1455	J A Schot	"	43 05
1456	Wd Jos Becker	"	14 30
1457	Adam Schott	"	7 15
1458	David Smith	"	35 95
1459	Mrs Chs Cornell	406	9 40
1460	Do	"	4 80
1461	Andre Casse	"	36 70
1464	H'y Reese	407	6 60

546

Fo.			
1465	Est Isaac Depas	407	13 20
1466	H'y Reese	"	7 20
1467	I Rhodes	"	39 50
1468	B Schneider	"	7 36
1470	Chs Corneille	408	6 70
1471	P S Wiltz	"	29 35
1474	Do	409	56 00
1476	Geo F Surm	410	7 40
1477	Peter Schmidt	"	14 80
1478	Mrs P Metreaux	"	13 40
1481	Louis Horning	"	7 25
1482	Mrs V Reber	"	7 25
1483	Louis Horning	"	14 05
1485	Mrs F'k Clark	"	7 15

Fo.			
1486	Unknown	410	7 45
1487	F Ader	411	7 65
1489	A Schmidt	"	14 05
1490	Ar Devain	"	21 05
1491	W'd J P Schmidt	"	7 00
1492	L E & L P Lacoste	"	11 05
1493	Lafargue	"	7 70
1494	Lacoste	"	7 70
1497	Geo Zimmer	412	101 85
1498	P Ramel	413	13 20
1499	J Marcelin	"	3 50
1500	E Dusson	"	6 60
1501	Mary Vilman	"	13 55
1502	L Joublanc	"	26 40
1503	Mrs A M Francois	"	5 70
1504, 5	P L Rivereau	"	26 80
1506	J Marcelin	"	12 50
1508	Pat Irwin	415	28 40
P't 1509	Do	416	125 00
" 1509	Do Wiltz	"	17 10
1510	P S Wiltz	417	111 90
1511	Do Merch In Co	418	26 45
1512	J L Johnston	"	30 50
1513	Merch Ins Co	465	82 20
P't 1514	P S Wiltz	466	139 75
"	Do & unknown	"	21 95
P't 1515	Pat Irwin	467	206 95
" "	Palmyra Travier	"	22 15
" 1516	P Irwin	468	39 35
1517	Jo Girod	469	190 40
1519	J Roquet	471	19 95
1521	Ed Edwards	"	6 60
1522	Mrs J B Patton	"	13 20
1525	B Oser	"	26 60
1527	J Raquet	"	10 60
1528	E Cangin & Blaize	472	92 50
1529	Jean Prat	472	62 50
1530, 1	J Bowman	473	92 35
1532	Mie Reuther	"	74 30
1533, 4	Jno Bowman	"	18 25
1535	Cath Dumer & Bertrica	474	81 20
1536	Louis Horning	"	81 05
1537	Aug Gerard	475	65 15
1538	Chs Martin	"	76 75
1539	Unknown	"	7 65
1541	O Boiseau	476	14 50
1545	Lize St Amand	"	7 40
1546	Eug Boiseau	"	16 80
1547	J Fryed	477	147 30
1548	Chs A Jacquet	478	165 25
1549	Wd Jos Becker	479	12 65
1550	Paul Gardner	"	7 25
1554	Jno Richard	"	7 85
1555	Pat Grace	"	7 85
1557	Mic Dunn	"	24 05
1558	Paul Detmas	"	11 95
1562, 3	H Getz	479	33 95
1567	J Nicholas	"	12 75
1569, 70	Mic Dunn	480	22 45
1572	Geo A Dutze	"	7 35

547

Fo.		Sq're.	
1573	A L Edwards	480	7 35
1574	Mic Dunn	"	14 65
1584	Louise L Rageau	481	10 30
1587	Geo Zimmer	"	10 10
1590	J A D'Hemecourt	"	14 95
1593	Ph Haturn	"	7 30
1600	Geo Weight	"	19 35
1603	Jac Sieben	482	8 60
1604	Wm Oldenberg	"	6 40
1613	Est Jos Roufignac	483	98 80
1614	G F Sturm	"	78 90
1617	F Laison	485	14 40
1618	J Shernol	"	15 95
1620	Wd Eliza Moore	"	20 50
1622	Mrs Brandt	"	10 80
1624	Jos Brand	"	10 80
1625	Jac Ulmer	"	6 85
P't 1628	H Pfifer	"	5 15
1629	Anto Lauch	"	13 70
1631	Jo Scunerman	"	6 05
1640	Jno Coffee	486	4 40
1645	H'y Rahs	"	7 50
1649	Geo Weitzel	"	11 60
1660	Ms J Capdeville	487	5 80

Fo.		Sq're.	
1669	P B Rapp	487	5 80
1670	J Murphy	"	5 80
1673, 4	J Lange	"	23 30
1681	Theo Cavalier	519	11 60
1682	Jos Monticur	"	5 80
1683	Jo Murphy	"	5 80
1684	Wm Hall	"	7 30
P't 1687	Wd Jno Riparo	"	9 40
1688	Mrs R A Maurel	"	11 60
1689-93	Jac Sieben	"	27 05
1698	H'y Doll	520	5 80
1702	J M Lapeyre	"	37 20
1706	Mrs M Boulloup	"	11 75

Fo.			
1707	J M Lapeyre	520	37 20
1711	Bridg't Flanagan	521	10 25
P't 1713	Geo Wetzel	"	6 80
" 1714	Rosa Bock	"	48 70
1715	Rosa Bock or E H Lemeyer	"	51 15
P't 1716	Rofignac Cot Press	522	94 85
1717	Est Jos Rofignac	523	98 50
1719	Chris Toledano	"	13 00
1720	Geo F Sturm	"	57 05
1721	Jno P Maurice	524	7 35
1722	Julius Fulda	"	7 35
1725, p't 1726	Jno G Gebhart	"	46 55
1734	Unknown	525	200 00
1735	St V de Paul Cem't'y	526	161 85
1736	Jos Lulla *et als*	527	212 20
1737	J J Fallander	528	44 95
1738, 9	L Seider	"	119 70
1740	P Berges	529	82 10
1741	B Fischer	"	29 65
1742	Geo Meyer	"	29 45
1743	Adam Holler	"	6 00
1744, 5	Aug Gerhardt	530	31 65
1746	P J Pavy	"	6 35
1747	Malus & Tendeau	"	97 30
1754	Unknown	"	5 90
1755	P S Wiltz	523	125 00
1756	A Rauther	533	31 40
1760, 1	Unknown or A Rauther	"	21 20
1762	P P Volker	534	91 50
1763	Unknown	"	92 85
1765	Geo Zimmer	535	55 40
1766	Mrs Jos Hopkins	536	189 70
1767	H'y Meyers	537	189 70
1768	P Irwin	538	182 55
1769	Val Doll	539	235 30
1770	Wiltz Mer In Co	540	161 15
1771	C P Fleytas	541	82 15

548

Fo.		Sq're.	
1772	J M Lapeyre	588	82 15
1773	J Meyer	589	161 25
P t 1774	Miss S de Serre	590	81 35
" "	75 P Irwin	590, 91	344 00
1776	Jos Girod	592	189 70
1777	Geo Pandelly	593	63 05
1778	Adolph Fuller	"	126 60
1779	Jno F Brandt	594	112 70
1780	Geo Zimmer	"	54 50
1784, 1785	J B Charpentier	595	92 05
1786	F Meyer	596	44 60
1787	P S Wiltz	"	82 10
1788	Geo Pandelly	597	162 05
1790	Wm L Sauvet	598	7 70
1791	" F M Sauvineau	"	15 35
1792	Jno Tucker	"	23 05
1793	Chs Goulon	"	14 90
1794	Jos Batt	"	14 90
1797	Unknown	599	110 60
1798	J Dubalen	600	81 90
1799	Marie A de Chazel	"	64 85
1800	Ed Filleul	601	48 05
1802	Aug Gerard	"	73 40
1803	P E Wiltz	602	69 10
1808	St Vinet de Paul Com	603	161 55
1816	Mrs Ferrand	604	14 15
1817	Heirs Rosa Sterling	605	7 30
1818	Jules Lapene	"	73 30
1821	C G Keller	"	29 10
1824	Est J Roufignac	606	98 40
1825	C Toledana	"	14 25
1826	G F Sturm	"	64 15
1828	Est I Roufignac	607	107 65

Fo.	Sq're.	
1829 Miss I Lambert	608	13 65
1830, 1 Theo Halfe	"	81 80
1832 J Lambias	"	30 70
1835 F Daubert	"	30 70
1844 Jno Lambias	609	6 05
P't 1848 Jac Koebel Jr	"	6 05
1850 Mrs M Boutloup	"	12 15
1851 " Escouse	"	12 15
1856 Heirs S Blossman	"	12 15
P't 1855 Wd T Cochran	"	6 10
1867 A Delamore	610	9 00
1871 B Huff	"	5 80
1873 T Bachemin	"	17 20
1878 Mrs Pat Neil	648	8 65
1881 F Daubert	"	18 65
P't 1883 F Lacroix	"	34 05
P't 1883 Jas Galway	"	8 85
" A & E Devish	"	8 85
" H'y Meyers	"	8 85
1885 A Chiappela	649	9 15
1887 Do	"	31 05
1888 R de Zagel	"	10 80
1889 Mrs T Daboval	"	53 50
1890 Rob Pavageau	"	10 50
1891 Mrs M Boutloup	"	34 45
1892 B Lapellier	650	13 65
1894 J W Hays	"	13 65
1895 J Kenny	"	6 80
1898 G Kern	"	6 80
1899, 1900 F Lacroix	"	37 50
1901 Unknown	"	20 45
1906, 7 Est Roufignac	651, 652	128 75
1908 G F Sturm	652	49 05
1910 Ph Moses	653	12 75
1914 F Laison	"	20 45
1917 Geo Ritter	"	12 75
1921 Wm Topfer	654	12 75
1922 Mrs A E Canon	"	14 90
1924 " L Hubert	"	14 90
1926 Z Maxan	"	22 30
1927 J Viosca Jr	"	14 40
549		
1935 Unknown	654	122 40
1941 H'y Jackson	656	13 70
1942 Ch J Lewis	"	27 10
1944 Ready or Waples	657	49 80
1945 Schantz & Stoll	"	35 55
1946 J Durant	"	13 75
1947 Unknown	"	68 50
1948 Mrs G A Lacroie	658	13 45
1949 Unknown	"	133 20
1950 D Riche	659	84 25
1952 Unknown	660	40 50
1955 H'y & M Maume	662	102 60
1956, 7 Mr & Mrs Fuleloy	663	184 15
1858 Ch Steidman	664	111 85
1959 J D Dameron	"	55 20
1960-3 Dennis Cronan	665, 6	378 90
1964, 5 Pat Irwin	667, 8	300 25
1966 Cap P Desteban	669	160 95
1967 Unknown	670	82 00
1968 J Lobrana	717	22 30
1969, 70 Unknown	717 & 18	220 80
1971 Frank Koch	719	29 50
1972 J B Azerts	"	51 65
1973, 4 Pat Irwin	719-21	363 20
1975-8 D Cronan	721, 2	379 20
1979 Mrs A E Michols	723	112 55
1980 Dameron & Millad	"	54 55
P't 1981 H'y Maners	724	31 30
1982 B Rosenberg	725	7 45
1983 J S M Subileau	"	14 90
1984 B Rosenberg	"	7 45
1985, 6 C Wardner	"	102 65
1987 Ben Rosenberg	"	51 80
1988 So Holy Cross	726	162 35
1989 P St Amand	727	74 55
1990 Unknown	"	74 55
1991 Suc A Michel	728	134 80
Fo.	Sq.	
1992 Lacroix & Cordor	729	81 90
1993 Geo A Fosdick	"	64 85
1994 A Chasanoil	730	57 90
1995 Wd de St Romes	"	106 70
1996 F Lacroix	731	81 90
1997 J Marcera	"	10 30

Fo.	Sq.	
1998 J J Galle	731	118 40
2001 Unknown	732	20 35
2004 A F Honold	"	25 50
2006, 7 Ed F C Laville	733	121 40
2008 G Armbruster	"	61 20
2009 Chris Morel	"	7 15
2010-13 C Armbruster	"	82 60
2014 F C Lavelle	"	39 35
2015 F Lacroix	734	80 50
2016 C F Bernard	"	14 60
2017 M Elliot	"	29 25
2018 L Somer	"	36 60
2019 Est Roufignac	735	98 40
2020 G F Sturm	"	78 50
2021 Levee Cot Press	736	81 95
2022 Est Roufignac	"	107 55
2023 Levee Cot Press	737	81 85
2024 A Vautrain	"	177 30
2026 Wiltz	738	55 35
2033 Jas Johnson	739	7 80
2036 Wm McGuire	782	54 80
2037 Wd Duboval	"	123 00
2038-40 Mrs Mary Spearing	783	117 40
2041 Barth Ray	"	62 15
2043-5 E M Rusha	784	177 45
2046, 7 Levee Cot Press	784, 5	163 60
2048, 9 Est Rofignac	785, 6	206 10
2050 F Lacroix	786	78 50
2051, 2 Aug Lange	787	117 10
2053, 4 P S Wiltz	"	73 15
2055-8 Jno C Bach	788	163 10
550		
Fo.	Sq're.	
2059 R L Michler	788	7 15
2060 L Pablo	"	191 15
2061 F Janfroid	789	20 45
2062 Z Solis	"	31 95
2063 Jos Hernandez	"	109 05
2064-6 G McGibben	790	521 45
2067 E A Barnett	793	134 85
2068 Mrs M A Grier	794	149 30
2070 So Holy Cross	795	162 55
2071 Theo Faust	796	102 70
2072 Wm Holland	"	81 45
2073 Jno Wemson	797	152 85
2074, 5 Mrs Nicholas & Maurer	" 8	143 25
2076 J A Millard	797	55 25
2077 Eug D'Huart	799	189 60
2078 Wm R Blackwell	800	26 80
2079, 80 Jno G Cuculli	"	51 70
2081-3 Wd Wm Rhodes	"	69 00
2084, 5 Louis Baumay	"	42 20
2086 Pat Irwin	801	182 40
2087 Geo H Andre	802	81 25
2088 Pat Irwin	"	184 15
2089 Geo H Andre	803	161 05
2090 Wm McDermot	809	82 05
2091 Gus Lasmat	851	15 15
2092 Unknown	"	66 95
2094 Do	852	145 95
2093 Jules Guyol	"	15 15
2095, 6 Pat Irwin	853, 4	455 35
2097 J L Curtis	855	94 80
2098 Unknown	"	94 80
2099 Denis Dronan	856	31 70
2100 Unknown	"	157 90
2103 J A Millard	857	55 25
2104 Mrs Geo Schenks	858	152 85
2105 Unknown	"	31 40
2106 B Kramer	859	102 70
2107 Peter St Armand	859	81 45
2108 So Holy S Cross	860	162 75
2109 J W Pierce	861	84 30
2110 City of N O	"	64 80
2111 Mrs J Martins	862	67 40
2112 Unknown	862	67 40
2113 Jno Haselvander	863	64 85
2114 Geo McGibbon	"	81 90
2115 City N Orls	"	213 40
2116, 17 Geo McGibbon	864, 865	139 75
2118 Mrs E Merle	865	23 20
2119 Unknown	"	104 60
2120 Est J H Prieur	866	36 70
2121 Anto Freytas	"	22 00
2122 Unknown	"	102 75
2123 Aug Weisheimer	867	361 35

Fo.	Sq're.		
2124	P S Wiltz	868	29 25
2125	Unknown	"	131 65
2126	P Canteron	869	78 45
2127, 28	Est Rofignac	869, 70	206 25
2129, 30	Lev Cot Pre-s	870, 1	163 40
2131	A Favre	871	177 45
2132	Et Lauer	872	30 00
2133	Unknown	"	124 25
2134	Mrs W W Handlin	873	177 85
2135	F'k Kathman	923	9 05
2136	Jas Campbell	"	45 70
2137	Unknown	"	123 10
2138	R Wynne & Debuys	924	13 15
2139	F Durg	"	19 80
2140	F Pitard	"	26 35
2141	A Roman	"	30 50
2142, 3	F Fernandez	925	89 70
2144	Jacob Feitig	"	177 30
2145, 6	Levee Cot Pres	925, 6	163 70
2147, 8	Est J Rofignac	926, 7	206 15
2149	Rob't & Broughn	927	78 45

551

Fo.			
2150	O P Jackson	928	29 25
2152	Wm H View	"	131 65
2152	B A Dwyer	929	361 35
2153	Hypo Maillot	930	6 30
2154	Frank Kock	"	18 95
2155	Jos Hotzum	"	8 65
2156	P Blum	"	12 65
2157	A Penago	"	18 95
2158	Nyp Maillot	"	21 80
2159	H'y Pichon	"	51 20
2160	Ed L Goodwin	"	19 20
2161	A N Burdel	931	127 35
2162-4	Geo McGibbon	931-3	286 40
2165	P S de Chasel	934	134 85
2166	J Alana	935	64 80
2167	Jno Stohle	"	84 30
2168	S H'y Cross	936	163 00
2169	Peter St Amand	937	81 40
2170	Aug Fabrer	"	102 70
2171	Desgrais & Castelanos	938	184 25
2172	Jos Eckart	939	167 15
2173	F Lange	940	94 80
2174	M A Dreville	"	94 80
2175	D Cronan	941	63 20
2176	Unknown	"	126 40
2177, 8	P Irwin	942, 3	383 70
2179	Wm C Murphy	943	81 20
2180	Est J B Jeanon	944	161 05
2181, 2	Unknown	945	164 10
2183, 4	W E Murphy	993-5	242 30
2185, 6	Pat Irwin	995, 6	389 20
2187	A Haydel	997	78 90
2188	Est W Warthing	"	55 35
2190, 1	D Cronan, Jr	998	189 60
2192	Geo Schenck	999	111 90
2193	Jas A Millard	"	55 25
2192½	Degrais & C	1000	152 90
			37,315 15
	From Book No. 4		37,315 15
	So Holy Cross	1001	81 45
	Unknown		102 70
	So Holy Cross	1002, 3	247 40
	Aug Salsman	1003	5 90
	Unknown	1003	59 05
	Pierre Wartel	1004	134 85
	Robert & Braugh	1005	61 45
	Geo McGibbon	1505, 6	249 90
	Do	1007	208 75
	H'y W Weeser	1008	32 15
	Theo G Davidson	"	32 15
	F Hass	"	97 15
	B A Dryer	1009	201 30
	M Laysard	"	160 05
	Unknown	1010	160 90
	Est J Rofignac	1011	98 40
	J Lamarque	"	78 50
	Levee Cot Press	1012	81 90
	Est J Rofignac	"	107 65
	A Barbarin	1013	81 90
	D Thornton	"	177 30
	Wd Pons d'Gibert	1014	179 50
	F Lacroix	1015	177 85
	Mrs Gus Miltenberger	1069	54 85
	L Lalcaire	"	122 95
	N M Benachi	1070	27 70
	Geo Douvelier	"	27 50
	N M Benachi	"	35 75
	J Courdeaux	"	52 60
	Jos Vincent	"	35 90
	Levee Cot Press	1071	81 90
	Ed A Dyer	"	177 30
	Levee Cot Press	1072	81 90
	Est Roufignac	1072, 3	206 05
	F Lacroix	1073	78 50
	J A Bass	1074	7 30

552

Fo.		Sq're.	
	Unknown	1074	153 60
	Est M A Hopkins	1075	361 35
	Wd Pons, F Pepin	1076	161 45
	Geo W McGibbon	1077	81 90
	M Laysard	1077	126 40
	Geo McGibbon	1078	164 60
	Peter Sonday	1079	81 90
	Jno Purcel	"	64 85
	D B O'Connell	1080	134 85
	Chs Thompson	1081	64 80
	So Holy Cross	1081-3	329 25
	Guyol & Wassell	1083	102 60
	Chs L Knabe	1084	33 25
	Mrs L Fernandez	"	88 85
	F Escot	"	15 70
	M L Fernandez	"	30 70
	F M Jacobs	1085	111 85
	M L Fernandez	"	53 30
	Pat Shields	1086	15 85
	Unknown	"	173 75
	Ramon Garis	1087	40 80
	Gus J Grubs	"	24 85
	Unknown	"	124 00
	Irwin & Grubs	1088	182 40
	Ch E Parlange	1089	81 25
	Pat Irwin	"	214 95
	Unknown	1090, 1	243 10
	P S Wiltz	1140	82 05
	Unknown	1141	161 05
	Nicolas Maurin	1142	81 25
	Pat Irwin	1142, 3	404 35
	D Cronan	1144	63 40
	" or unknown	"	126 20
	" " do	1145	189 60
	Nicolas Maurain	1146	111 85
	Jo A Miller	"	55 30
	Nicolas & Maurain	1147	31 40
	Jno Croft	1147	152 85
	So Holy Cross	1148	81 40
	Mrs Mehle & Doll	"	37 10
	" E Durand	"	44 40
	Unknown	"	21 20
	So Holy Cross	1149	163 60
	Do do	1150	84 30
	F Jara	"	64 80
2289	Louis Phelps	1151	67 40
2290	Louis Trastour	1152	64 80
2291	Louis Pessou	"	81 90
2292	Jos Ellison	1153	164 60
2293	Louis Pessou	1154	207 80
2294	Mrs O Hernandez	1155	7 30
2295	Unknown	"	154 15
2296, 97, 98	Dryer, Chalon & Bach	1156	361 35
2299	Unknown	1157	98 40
2300	Est Rofignac	1158	98 40
2301	G F Sturm	"	78 50
2302	Levee Cot Press	1159	81 90
2303	Est Roufignac	"	107 65
2304	B A Dryer	1160	177 40
2305	Levee Cot Press	"	81 75
2306	Wd Pons de G, Pepin	1161	179 50
2307	Fred C Steelman	1162	177 85
2308	Gus Miltenberger	1220	54 80
2310	Do	1221	55 30
2309	Aug Levis	1220	123 00
2311	H'y Perat	1221	27 50
2312	Mehle & Doll	"	68 90
2312	Unknown	"	27 75
2314	Eug Potier	1222	15 45
2315	J Henry	"	15 45
2321, 18	Levee Cot Press	1222 & 23	258 60

2319, 20	Est Rofignac	1223, 24	206 00
2321	C Toledano	1224	78 50
2322	Unknown	1225	160 90

553

Fo.			
2323	Wm W Goodrich	1226	54 60
2324	P Perez	"	27 10
2325	Ed Barnett	"	279 65
2326	C Roselius	1227	161 45
2327	Jos Ellison	1228	81 85
2328	Unknown	"	125 70
2329	F Peirson	1229	164 60
2330	Jos Ellison	1230	81 90
2331–3	E Trastour	1230–2	204 50
2334–6	So Holy Cross	1232–4	329 50
2337	Unknown	1234	102 70
2338	Jno Croft	1235	184 25
2339	Nicolas & Maurin	1236	111 90
2340	J A Millard	"	55 25
2341	D Cronan	1237	63 20
2342	Do or unknown	"	126 40
2343	Do	1238	63 20
2344	Do do	"	126 40
2345	Pat Irwin	1239	182 40
2346	Robt Wynd	1240	81 15
2347	Pat Irwin	"	229 55
2348	Unknown	1241	161 00
2349	P S Wiltz	1242	41 05
2350	Unknown	"	41 05
2351, 2	Do	1294, 5	243 10
2353	Robt Wynne	1296	81 2
2354	Pat Irwin	"	237 05
2356	Pat Dealy	1297	21 35
2357	" Irwin	"	161 05
2358, 9	D Cronan, Jr	1298, 9	379 20
2360	Jas A Millar	1300	55 25
2361	Nicolas & Marin	"	112 05
2362	Jno Magner	1301	184 25
2363	So Holy Cross	1302–4	432 45
2366	Theo Murray, Jr	1304	64 80
2368	L Picheloup	1305	67 40
2369	P Glebs	1306	64 80
2370	P Soudag	"	81 90
2371	F Penson	1307	164 60
2372	D Grosch	1308	206 85
2373	J P Favaro	1309	161 45
2374, 5	Unknown	1310, 11	522 25
2376	J H Kliforth	1312	78 45
2377	Est Rofignac	"	98 45
2378	Levee Cot Press	1313	81 90
2379	Est Rofiguac	"	107 65
2380–5	Unknown	1314–91	1233 00
2386	Levee Cot Press	1392	94 75
2387	Est Rofignac	"	94 75
2387¼–90	Unknown	1393–6	760 65
2391	Alph Laine	1394	81 85
2392	Unknown	"	124 55
2393–4	A Brieugne	1398, 9	311 35
2395	H'y W Wynne	1400	134 85
2396	So Holy Cross	1401	16 80
2397	H'y W Wynne	1401	132 35
2898	So Holy Cross	1402	19 20
2399	B Boisfontaine	"	145 05
2400	So Holy Cross	1403	12 85
2401	Jos Wilhelm	"	68 50
2402	Unknown	"	102 75
2403	Dom E Leghers	1404	184 25
2404–7	P J Wiltz	1405–8	728 75
2408	Nicolas & Maurin	1409	81 25
2409	P S Wiltz	"	244 60
2410	F Lacroix	1410	161 05
2411	Unknown	1411	82 05
2412	J A Lacroix	1464	82 05
2413	J Mathewson	1465	161 05
2414	Nicolas & Mathrin	1466	81 25

554

2415	Mary M Christman	1466	180 60
2416	Unknown	"	71 55
2417	Hypo Demourel	1467	182 40
2418–20	P S Wiltz	1468–70	467 90
2421	Unknown	1470	78 45
2422	Do	1471	184 25
2423, 4	P S Wiltz	1472, 3	348 35
2425	Pat Dealy	1474	149 15
2426, 7	Mrs J Reilly	1475, 6	281 55
2428	Jac Durand	1477, 8	370 45

Fo.			
2430–33	Unknown	1479–82	860 65
2434	Levee C Press	1483	81 90
2435	Est Rofignac	1483	107 65
2436–8	Unknown	1484	616 50
2439–42	A Delavigne	39–42	929 05
2443	So Holy Cross	42	65 70
2444	Beaujean Brick Yd	1443	21 10
2445	So Holy Cross	"	22 80
2446	Cong do do	44, 45	196 10
2448, 9	A W Walker	46, 47	212 35
2450	Beauj Brick Yd	48	105 15
2452	Gab Richardson	49	5 95
2456	Celeste Burke	"	6 05
2457	Sam'l Besley	"	6 05
2458	Dav Douglas	"	5 95
2459	N Jones	"	5 95
2460	A Laine	"	5 95
2461	T Dorsey	"	5 95
2462	Zenon Mack Jacobs	"	11 90
2463	Perry Burges	"	5 95
2464	Ed Laurant	"	5 95
2465	Dave Douglas	"	5 95
2467	Mic Florence	117	74 35
2468	F Acken	118	6 35
2469	Wd J A Duplevre	"	6 35
2470	C Horke	"	12 70
2471	C Buyer	"	12 70
2472	J Johns	118	6 85
2475	Dave Douglas	"	5 95
2476	Peter Paul	"	5 95
2477	V E White	"	19 05
2478	O Brodel	"	31 85
2480	Dave Douglas	"	17 80
2481	" & Masicot	119	30 15
2482	Jacob Rapp	"	3 75
2483	Thos Hall	"	3 75
2484	Douglas & Massy	"	7 55
2485, 6	Mrs H Moreaux	"	43 30
2487	L Richard	"	14 05
2489	Unknown	"	6 75
2490	Douglas & Masie	"	6 75
2491	Ad Dones	"	6 75
2492	Douglas & Massie	"	25 20
2493, 4	So Holy Cross	120, 1	224 10
2495, 6	Alf Delavigne	121, 2	263 70
2497, p't	Do	123	144 95
2498	Jac Redy	189	7 50
2500	Fred Francis	"	7 50
2501	H'y Peychaud	"	7 50
2502	Alf Delavigne	"	7 50
2507	Peter McKing	"	14 40
2509	J A Giroux	"	14 40
2510	Unknown	"	18 00
2511	L Leonard	190	91 45
2512	E Gardiner	"	91 45
2513	L L Pesson	191	83 25
2514, 15	Cong Holy Cross	191, 2	228 70
2517	J B Desbones	194	31 85
2518, 19	Jean Demn	"	119 00
2520	Louis Ford	195	34 55
2521	Jno A Fryer	"	31 25
2523	Mrs E Durien	226	54 40
2524	Unknown	"	20 15
2525	U Delland	227	149 45

555

Fo.		Sq.	
2528, 9	Con Hol Cross	229, 30	234 95
2532	Doc G S West	230	14 05
2533	Et Gilbert	"	14 05
2534	Dav Douglas	"	7 05
2535, 6	T Bellocq	231	54 30
2538	G McLean	"	17 50
2540	A B Cazanova	"	7 60
2541	Miss V Macarty	"	7 50
2545	C Leduc	"	15 60
2546	D Claiborne	"	9 35
2548	A Gaiete	"	15 50
2549	W Darcantel	"	2 85
2550–2	Ph Gueman	232	176 30
2553	L Blaeser	301	191 90
2554	Geo Eickhorn	302	191 90
2555	Cong Holy Cross	303	76 80
2556	Dav Douglas	"	36 15
2557	A M King	"	7 25
2558	J Essex & wife	"	7 25
2559	A Fazende	"	7 25

Fo.		Sq.		
2560	Jos Smuther	303	7	25
2561	M Grimshaw	"	21	85
2562	Cong Holy Cross	304	156	10
2563	Mic Edmonds	305	45	70
2564	Fred Kroeper	"	108	00
2565	Jno Bawman	306	73	85
2566	L Darson	"	73	85
2567	Jo Dabon	307	37	05
2568	Dave Brady	"	37	05
2569	P Gabright	338	90	65
2572, 3	Cong Holy Cross	341, 2	288	95
2574	Jo Kater	342	108	40
2575	And Luquet	343	238	00
2576	Phi Voland	344	238	00
2577	Val Deckert	420	142	35
2578	Fred Dubar	421	71	10
2579	And Luquet	"	71	10

Fo.		Sq're.		
2580	P O Charbonet	422	64	55
2581½	Cong Ho Cross	422, 3	173	40
2583	Mamsl G Lizardi	424	80	20
2584	J B Seunet	"	33	85
2585	Do Faden	425	107	65
2587	Mic Florence	457	78	65
2588	Honore Moreau	458	154	60
2589	F Bares	459	32	20
2590	Jos Desal	459	19	80
2591	Jno Mier	"	49	05
2592	R Deland	"	34	15
2593	D Douglas	"	29	75
2594, 5	Cong Ho Cross	460, 1	250	65
2596, 7	A Luquet	461, 2	299	55
2598	Ig Krupenboch	463	205	90
2599, 2600	A Delavigne	543, 4	409	90
2601	Cong H Cross	545	82	00
2602	Beauj Brick Co	"	93	20
2603	Cong Ho Cross	546	167	85
2604	F Bares	547	34	00
2605	Miss A Guyol	"	19	45
2606	J J Peltier	"	48	85
2607	Jos Galete	"	61	90
2608	F Bares	548	151	55
2609	Mic Florence	549	77	95
2610	Unknown	580	77	50
2611, 12	Douglas & Massle	581, 2	313	95
2613, 14	Cong Ho Cross	583, 4	250	05
2615-17	A Delavigne	584-6	503	00
2618, 19	Do	672, 3	256	10
2620	So H Cross	674	51	20
2621	Beauj Brick Co	"	58	25
2622	Cong Holy Cross	675	105	10
2623, 4	Douglas & Masicot	676, 7	195	25
2625	Mic Florence	678	48	30
2626	Unknown	709	76	90
2627	Miss A Guyol	710	146	25

556

Fo.				
2628	J N Charbonet	711	48	80
2629	J J Pettier	"	115	30
2630, 1	So Hol Cross	712, 13	250	55
2632	Beauj Brick Co	713	93	15
2633-5	A Delavigne	714-806	614	25
2636	Beauj Brick Co	807	204	75
2637	So Holy Cross	808	81	90
2638	Brick Co	"	93	10
2639	Cong Holy Cross	809	168	80
2640	J N Charbonet	810	48	80
2641	J J Pettier	"	115	30
2642	Miss A Guyol	811	144	45
2643, 4	Unknown	812-843	153	70
2645	Miss A Guyol	844	142	75
2646	J J Pelatier	845	115	30
2647	J N Charbonet	"	48	80
2648, 9	Cong Ho Cross	846, 7	251	05
2650, 1	Brick Co	847, 8	297	80
2652	Delavigne	849-947	409	50
2654	Beauj B Co	948	204	75
2655	Holy Cross	949	81	90
2656	Beauj B Co	"	93	15
2657	Cong Holy Cross	950	169	40
2658	Jno J Pelatier	951	115	25
2659	J N Charbonet	"	48	80
2660	Miss A Guyol	952	141	05
2661, 2	Unknown	953-985	151	35
2663	Miss A Guyol	986	139	30
2664	J J Pelatier	987	115	30

Fo.				
2665	J N Charbonet	987	48	80
2666	Cong H Cross	988	169	70
2667	B Brick Co	989	93	10
2668	Unknown	"	81	90
2669-72	Beauj Brick Co	990-1094	819	00
2673	Cong Holy Cross	1095	81	90
2674	B Brick Co	"	93	20
2675	Cong Holy Cross	1096	170	00
2676	J J Pelatier	1097	115	25
2677	J N Charbonet	"	48	80
2678	Miss A Guyol	1098	137	55
2679-83	Unknown	1099-1134	449	85
2684-6	Cong Holy Cross	1135	252	10
2686, 7	Beauj Brick Co	1136-1244	707	45
2690, 1	Do	1245, 6	297	95
2692, 3	Cong H Cross	1216, 7	252	35
2694	J J Pelatier	1248	115	25
2695	J N Charbonet	"	48	80
2696	Miss A Guyol	1249	134	15
2697, 8	Unknown	1250-1286	148	50
2699	Miss A Guyol	1287	132	35
2700	J J Pelatier	1288	115	25
2701	J N Charbonet	"	48	80
2702	Cong Holy Cross	1289	171	10
2703	B Brick Co	1290	93	20
2704	So Holy C	"	81	80
2705-9	Brick Co	1291-1415	912	20
2710, 11	So Holy Cross	1415, 16	252	95
2712	J J Pelatier	1417	115	25
2713	J N Charbonet	"	48	80
2714	Miss A Guyol	1418	130	60
2715, 16	Unknown	1419-1456	147	15
2717	Miss A Guyol	1457	128	95
2718	J J Peletier	1458	115	25
2719	J N Charbonet	"	48	80
2720	Cong H Cross	1459	171	45
2721	Brick Co	1460	93	20
2722	Cong Ho C	"	81	85
2723	B Brick Co	1461, 2	409	50
2725	Mic Florence	50	64	55
2726	Do	51	32	30
2727	N & A Soulie	52	178	90
2728	W H Behan	53	41	00
2730	Dave Douglas	"	9	85
2731	Leop Guichard	"	31	50

557

2732, 3	N & A Soulie	53	103	65
2734	Clem Gamory	54, Tract	790	65
2735	A & N Soulie	Tract	4,418	90
2739	do	116	205	20
2740	L O'Donnel	196	74	65
2741, 2	Paul Estaban	"	95	40
2745	A Soulie	197	57	45
P't 2746	A Castaing	224	100	35
2748	Unknown	225	31	05
2749	Mrs Alex Castaing	"	12	40
2750	" P A Bacas	"	29	00
2751, 2	N & A Soulie	225 & 308	340	25
2753	A Castaing	309	157	95
2754	Peter Schmidt	336	97	95
2755	Paul Lacosti	337	44	15
2756	Marie Soulie	"	14	60
2758	Mrs Wm Carey	"	14	60
2759	R F Guichard	"	38	40
2761	Wm Smith	"	9	60
2762	Unknown	"	89	25
2763	Luquet & Daron	Tract	3,017	05
2764	Claudi Tiblier	do	3,133	20
P't 2765	J Caig	54	17	90
"	M Fernandez	"	27	25
"	Mrs Jos Villavaso	54-61	25	40
"	Chas Caffin	54-61	179	50
"	L Duclos	62-55	8	25
"	Chas Caffin	112, 113	1,106	95
"	Do	113, 114	171	50
"	Pierre Buche	"	17	05
"	Ch Caffin	"	65	65
"	Do	114, 115	16	10
"	A Danflous	"	20	20
"	Chs Coffin	"	82	30
"	P Puyan	198-197	16	70
"	F De Luppe	"	16	70
"	Jos Bathe	"	51	15
P't 2765	Chs Caffin	197	101	80
"	Bap Sonot	199-198	25	20
"	Chs Caffin	"	25	20

P't 2765	P Berges	199–198	8	40	
"	Ch Caffin	"	8	40	
"	Ph Berges	"	33	00	
"	Chs Caffin	"	50	70	
"	P Berges	"	16	50	
"	Chs Caffin	199, 200	9	10	
"	16 Do	"	171	20	
"	Do	221, 2	180	30	
P't 2766	Do	222, 223	16	80	
"	Do	"	91	95	
"	Dom Boiereau	223, 224	8	35	
"	Ch Caffin	"	8	35	
"	Jean Segassie	"	67	75	
"	Ch Caffin	"	100	30	
"	A D Depres	310–309	3	80	
"	Ch Caffin	"	105	15	
"	Wd C do	"	19	25	
"	Mathew Green	"	10	25	
"	Ch Caffin	311–310	83	70	
"	"	311–310	83	70	
"	J Froment	312–311	18	35	
"	C Caffin	"	161	25	
"	Do	333, 334	223	10	
"	C & M Tabares	333–335	8	05	
"	Chs Caffin	"	24	15	
"	E C Corneille	"	24	15	
"	Paul Lacoste	"	8	05	
"	Mrs A J Bulot	"	39	25	
"	Josephine McKay	"	32	25	
"	Emile Corneille	"	71	50	
"	S & N Tabares	335, 336	225	60	
P't 2767	L Roquet	429–426	134	10	
"	J Escatche	430–429	61	20	
"	Celestine Joseph	"	7	85	

558

Fo.					
2767	Chs Coffin	429	54	95	
"	Emile Cornell	430, 431	133	60	
"	Lea Woodie	453, 454	16	30	
"	Jno Jenkins	"	16	30	
"	G Sucker	"	146	70	
"	P Fontaine	454, 455	189	10	
"	P Cazeaux	552, 553	178	20	
"	Chs Leonhard	553, 554	191	40	
"	Pierre Berges	574, 576	2,015	50	
"	Fr Lacroix	830 to 1284, 1421	3,400	05	
"	Do	1454	702	10	
2768	Stodart Howell	Tract	4,990	65	
2771	Sue Wm J Valien	69	10	40	
2773	Mrs Daboval	"	10	70	
2774	Unknown	"	7	50	
2776	P Puyan	71	159	30	
2777	Mic Ritzman	72	168	65	
2778	Mrs C Vinet	73	75	20	
2780	Ernest Albertie	"	9	40	
2782, 3	P Puyan	74	48	90	
2784	Jos Sarnodat	"	5	60	
2785, 6	P Puyan	"	42	10	
2787	Vic Burgaut	"	15	40	
2788	Jean Vigne	"	15	40	
2789	Miss J M de Serres	75	40	60	
2790	Vic Burgan	"	6	80	
2791	Unknown	"	13	60	
2792	A J Delserries	"	110	15	
2797	Ernest Retif	77, 78	235	90	
2801, 2	F Belocq	79	147	15	
2803	Theo Foust	80	12	70	
2805	Est Rideaux	"	12	70	
2806	Ch Gireaud	"	25	45	
2807	Eug Dupre	"	87	85	
2808	B Moses	81	53	75	
2809	J P Belot	"	9	45	
2810	Mrs Et Bareau	81	81	70	
2812	P Miller	82	7	20	
2813	Eug Durand	"	17	15	
2814	Rob't Lee	"	6	25	
2815	P Miller	"	110	20	
2816	Mrs P Mitairie	83	147	15	
2–18	Wd P L Retif	84	35	15	
2820	Mrs H Moreau	"	57	25	
2821	J Pezetta	107	5	85	
2822	R E Retif	"	18	60	
2823	C Kaningueser	"	5	85	
2824	Wd J B St Amand	"	5	30	
2825, 6	Mrs A F S C L F de Chazel	"	23	80	
2827	F Candeau	"	11	65	
2828	Jean Labat	"	18	60	
2829	Est J Depas	107	41	00	
2830	P G Retif	"	17	60	
2831	Arch Bis Odin	108	92	60	
2832	St Maurice Ch	"	73	65	
2833, 4	Minard & Janney	109	193	50	
2835	Louise de Serre	110	193	50	
2836	Rich Prentiss	111	5	85	
2839	F K Kraeper	204	195	65	
2840	Peter Schmidt	205	84	10	
2843	W F Applegate	206	7	45	
2847, 8	Peter Schmidt	"	43	95	
2849	J M Burgan	215	40	00	
2851	Ad Treme	"	10	00	
2852	Jac Escat	"	10	00	
2853	Bruno de Lucas	"	28	00	
2854, 5	Chs Washington	"	16	00	
2856	Mrs Ed Lehy	"	10	00	
2857, 8	J Mandiol	"	44	00	
2859	F Finance	216	49	90	
2860	Besau & Thos	"	29	10	
2862	Unknown	"	83	20	
2863, 4	Marie A Journa	217	391	50	

559

Fo.		Sq.		
2865	F E & M Reubens	219	59	60
2866	J Gabaight	220	138	45
2867	H Laquim	313	138	45
2868	J L Sarrazin	314	86	95
2869	Eug D'Huart	315	195	75
2870	J L Sarazin	316	195	75
2871	F Marchal	317	11	90
2872	F Finance	"	11	90
2873	J Bresse	"	11	90
2874	B Payssse	"	11	90
2875, 6	Unknown	"	36	55
2878	Jac Escat	317	23	80
2879	A J Delseries	"	18	80
2880	Pierre Fische	318	169	60
2881, 2	" Jourdain	327, 8	420	50
2883–5	" do	329–31	637	66
2886	Honore Laguen	332	171	60
2887	F Lacourt	433	113	45
2888	Marbourg & Foster	434	146	95
2889	Gaston de Serre	435	146	95
2890	Mrs P Metreau	436	126	25
2891	Gaston de Serre	437	126	25
2892	P Cazelle	446	182	65
2893	Mrs A Caron	447	157	00
2894	" Cook	"	25	00
2895	Gaston de Serre	448	212	60
2897	Mrs Kimerlan	450	54	35
2898	D Sevaille	"	66	00
2899	A M Batard	"	44	85
2902–2903, 4	Unknown	"	26	85
2905, 6	Pierre Duprat	556, 7	422	30
2907	L P Desmosa	558	211	60
2908	Gas de Serre	559	181	80
2909	Ad Alser	560	181	80
2910, 11	Unknown	568, 9	363	60
2912–14	Fr de Serre	571, 2.	633	65
2915–19	Unknown	578–688	446	20

Fo.				
2920–2	Jno Croft	689	65	25
2923–5	Mrs M Dutiel	"	90	85
2926	F Lacroix	"	25	65
2927	Unknown	690	181	80
2928	Wd Jno Martin	697	181	80
2929	F C Garbrecht	698	181	80
2930	N Angelasto	699	211	60
2931	J H Palmes	700	13	75
2932–4	Unknown	"	170	55
2935	Aug Eickman	701	190	00
2936, 7	Luckey & Buhler	702	74	15
2938	Ed Lichey	819	105	80
2939	Ed Cornel	820	135	65
2940	Geo F Voitisch	"	50	00
2941	Jas Fitzpatrick	821	211	60
2942	Jas McDermot	822	211	60
2943	Unknown	823–32	727	20
2947	Alb Hernitz	833	211	60
2948	F Laison	834	211	60
2949–51	Unknown	835	517	20
2952	A C St Marc	960, 961	210	45
2953	E H Schriber	962	211	60
2954	Julien Maer	963	211	60
2955	F H Brinkman	964	181	80
2956	Unknown	965	181	80

Fo.			
2957	F H Brinkman	973	181 80
2958	H'y Thoman, Jr	974	181 80
2959, 60	Unknown	975, 6	423 20
2961, 2	F L Warner	977, 8	411 31
3963, 4	J Mayer	1106, 7	430 80
2965	O Tuttle	1108	211 60
2966	Alb Heinritz	1109	211 60
2967	J D Lambert	1110	181 80
2968	F H Brinkman	1111	181 80
2969	U S Hospital	Tract	1,845 30
2970	U S Barracks	"	5,816 25
2971	Unknown	1116	19 30
560			
Bill.			
2972	Wd L Baudens	Tract	2,486 15
2973	Ed Vignes	1117	86 60
2974	Jos E Vignes	1118	86 60
2975	Unknown	1119	181 80
2976	N J Stacey	1120	181 80
2977-80	Mic Ries	1121-4	854 60
2981	Unknown	1125	10 10
2982-6	Mic Ries	1257-67	895 75
2987-92	Unknown	1262-70	787 40
2993, 4	H'y Samory	1271, 2	346 50
2995	Unknown	1273	181 80
2996	P Berges	1274	181 80
Bill.			
2997-3006	Mic Ries	1275-1430	1,886 45
3007	J B Planche, Jr	1431	181 80
3008	P Berges	1432	181 80
3008½	H'y Samory	1433, 4	346 50
3009-3010	Unknown	1435-42	423 80
3014	Gus Schneider	1443	181 80
3015	Unknown	1444	181 80
3016-20	Mic Ries	1445-9	991 05
3021, 2	Mrs L E Daboval	12	255 80
3024	" P A Saulet	4	93 75
3025	Louis Rocurt	5	44 45
3026	Mrs J E Weisheimer	6	107 15
3037	Geo Tagnoni	7	107 15
3028, 9	Mrs P A Saulet	8 & 9	241 25
3030	Chs Lamb	10	80 50
3031	L Recurt	11	116 50
3032	F Lacroix	12	116 50
3033	Mrs P A Saulet	13	115 95
3034	Doc Gilespie & West	14	72 10
3035-45	P Panche	15-25	1,275 45
3046	Wd Alex Lesseps	Tract	5,613 00
3047	Slaughter Ho Co	do	6,177 35
3048	City of N Orl's All the streets fr'm L'f't ave to lower parish line, from Miss riv. to Florida ave		168,271 25
			$65,956 75

Drainage Due June 1st, 1885, from Individuals, Not Including Interest, in—

1st d'g district		$135,087 75
2d "	do	121,013 75
3rd "	do	285,051 55
4th "	do	168,271 25
		$709,424 30

561 *Statement Certified to by W. T. Mayo, Showing Drainage Taxes Assessed against City in the Four Draining Districts.*

CITY OF NEW ORLEANS.

1st Draining District.

Square.		Lot.	Superfic'l ft.	Dols.	Cts.	
9	Old Levee	3	296	95		
68	Dauphine	18	4,105	13	55	Engine No. 7.
123	Conti	11	2,775	9	15	
185	Bienville	5	8,310	27	40	
1 C	Water, Delta, Common, Gravier.	square	23,213	76	60	
2 C	Water, Delta, Poydras, Gravier.	"	28,422	93	80	
176	South — North St. Chas. & Camp.	"	120,713	398	35	Lafayette Sq.
180	St. Charles	11	15,049	49	65	School-house.
219	Girod	31	2,643	8	70	Engine No. 5.
220	Lafayette & St. Charles	2, 3, 4	22,302	73	55	City hall.
221	Perdido	14	2,666	8	80	Engine 13.
"	Carondelet	18	2,822	9	30	La Hose Co.
260	No. & So. Poydras, Penn, Dryades.	square	13,209	43	60	Poydras market.
271	No. & So. Poydras, Rampart, Dryades.	"	11,742	38	75	Do.
296	No. & So. Poydras, Rampart, Basin.	"	8,197	16	25	
332	Franklin	18 to 22	16,080	53	00	Fisk school.
339	Common	11	3,306	10	90	Engine 14.
377	Cypress & Perrelliat	square	55,467	183	05	Work-house.
396	" Magnolia, "	"	60,245	198	80	House refuge.
470	Palmyra	6 to 11	17,850	58	80	Madison St.
	City Park	55 sq'res.	7,369,500	24,319	25	
	All the streets included within St. Peter, Carondelet Walk to Julia, & River Miss. to Claiborne.	------	9,521,574	31,421	20	
	All the streets included within Florida land'g to Bayou St. John & Metarie Ridge to Lake Ponchartrain.	------	52,945,423	173,619	90	230,733 30

SUMMARY.

1st draining district	230,733	30
2d " "	171,708	65
3d " "	208,879	40
4th " "	66,611	55
Total assessment	677,932	90

Correct transcript from drainage books.

WM. T. MAYO.

N. O., May 26, 1881.

562 2nd Draining District.

Square.		Lot.	Sup'l feet.		
187	Clio		7,270	5	55
22	St. Mary's market, whole sq.		9,160	12	75
515 & 518	2 do. do.		198,435	239	15
22	1st dist., whole sq.		9,160	12	80
119	Annunciation		11,000		
214	Calliope		2,870		
279	Dryades		12,253		
"	Do & Erato		8,182		
	All the public streets included within Julia, Toledano, River, & Carondelet Ave.		34,863,950	55,782	75
55	South & Julia		2,424		
40	Tchoupitoulas		3,392		
45	Hunter		2,400		
94	Chippewa		10,240		
103	Do		3,552		
152	Magazine		20,480		
250	Dryades		32,768		
251	Thalia		4,096		
253	Clio	15 to 18	17,280		
28	Levee		3,296		
38	St. Mary's		3,518		
44	Rosseau		10,160		
"	Jackson		3,448		
78	Clay square		80,640		
79	Laurel		12,320		
100	Philip		19,200		
118	9th		16,128		
124	Magazine		3,800		
"	Constance		6,800		
"	Harmony		2,650		
142	Magazine market, whole sq.		21,890		
151	Washington, 4th		2,472		
179	Chestnut		8,879	4,669	10
196	Cemetery, whole sq		193,479		
197	Washington	Lot 15	5,740		
234	Philip & Carondelet		14,636		
305	Cemetery, whole square		134,400		
318	Fractional square		1,440		
341 & 342	Fillmore "		180,224		
420 & 421	Taylor "		141,212		
7 B	Whole "		66,750	11,806	10
360 & 363	2 do. do.		137,060	96	10
	Gormley's reserve		16,384	26	20
	Carried for'd			72,705	40
563	Bro't forward			72,705	40
9	Plais Magazine	19, 20	8,148		
21	E. Bo. Marengo	20, 21	6,960		
29	" Milan	22	3,620		
30	" whole square	1 to 10	45,050		
4	W. Bo. Jersey	15 to 18	12,000		
86	" whole square		91,500		

2d Draining District—Continued.

Square.		Lot.	Sup'l ft.		
65	Avart, ¼ square	------	23,000		
	All the public streets in city of Jefferson.	------	26,931,000	43,394 00	
16	Rickersville	15 to 17	11,520	6 90	
Carro.	8 W. Dublin	6	7,690		
Do.	12 B. Jefferson	6, 7, 8	10,800		
Do.	" 3d St.	11	6,150		
Do.	16 A. 4th "	------	825		
Do.	29-1 Washington	7 to 10	14,440		
74 orig.	Cemetery	Sqr.	178,750		
	Green square	------	90,000		
	Frederic do.	------	90,000		
	Hamilton square	------	211,250		
	All the public streets in Carrollton.	------	20,068,500	33,085 35	
	All the public streets in Hurtiville.	------	3,299,560		
	All the public streets in Bloomingdale.	------	1,477,970		
	All the public streets in Foucherville.	------	413,500		
	All the public streets in Greenville.	------	2,353,750		
	All the public streets in Friburg.	------	1,898,775		
	All the public streets in Marleyville.	------	1,008,500		
	All the public streets in Marleyville.	28 B.	27,000		
	Metarie Ridge road	------	136,480		
	Whole square 23	------	75,625		
	All the public streets in Burtheville.	------	3,381,960	22,517 60	171,708 65

3d Draining District.

3	St. Ann, Dumaine, Decatur	------	19,200	38 40	Meat market.
10	St. Philip, Peters, "	------	5,680	11 35	Fruit "
11	St. Philip, Peters, Decatur, Ursuline.	------	29,731	59 25	Veg. "
16	Barracks, Peters, Decatur, Esplanade.	------	74,892	149 80	U. S. Mint.
24	St. Ann, St. Peter, Decatur, Chartres.	------	115,921	231 85	Jackson sq.
43	Orleans, St. Peter, Ex. alley, Chartres.	------	13,493	27 00	Court-house.
45	Orleans, Royal, Chartres	------	16,050	32 10	St. Anthony sq.
46	Orleans, Royal, St. Ann, Chartres.	------	23,400	46 80	Court-house.
56	St. Philip, Royal, Ursuline,	------	13,080	26 15	
564	Bourbon.			622 70	
82	Brought over	------	----------	622 70	
	Barracks, Hospital, Dauphine	-----	7,080	14 50	School.
113	Dumaine	21	3,531	7 05	Engine # 10.

3d Draining District—Continued.

Square.		Lot.	Superf'l ft.		
115	St. Peter, St. Ann, Rampart, St. Claude.	------	118,400	236 80	Congo sq.
149	Orleans, St. Ann, Liberty, Marais.	------	35,779	71 55	Parish prison.
166	Orleans, Robertson, Marais	------	29,184	58 35	Treme market.
167	Orleans, St. Ann, Vellere, Marais.	------	11,421	22 85	School-house.
211	Carondelet to St. Pet. on Claiborne.	------	5,460	10 95	Do. do.
230, '1	Bayou road & Roman	------	6,466	12 90	
289	" Galvez	------	3,160	6 30	Engine No. 3.
437	St. John, Route, & Esplanade.	------	12,148	24 30	School-house.
2	Peters, Marigny, & Front	------	8,700	17 40	Market-H.
4	Decatur, Esplanade, & Frenchman.	------	1,921	3 85	Fire Co. No.9.
1037	Onzaga, Johnson, Galvez	------	29,800	59 60	
879	Independence square	------	198,813	397 60	
632	Laharpe, St. Bernard, Claiborne.	------	7,360	14 70	
386	Bagatelle	------	8,192	16 40	Fillmore sch'l.
371	Mandeville, Spain	------	16,430	32 90	De Soto "
161	Elysian	------	4,710	9 40	Police station.
160	Do French'n, & Dauphine.	------	95,917	191 85	Washington sq.
9	Decatur, Marigny, Peters	------	3,300	6 60	Phœnix Fire
1196	Onzaga, D'Abadie, Tonti, & Rach'b.	------	94,106	188 20	Co.
1349	Bayou road, Dorgenois	------	6,372	12 75	Market-house.
1489	Hunter, Franklin, Law, Florida.	------	43,184	86 35	
2147	Mand'v., Spain, & Pleasure	------	98,955	197 90	
2149	Union square	------	189,000	378 00	
2847	Elysian, Gentilly	------	25,440	50 90	
4009	Methra, Wash'n, St. Jas., B'n.	------	172,800	345 60	St. James sq.
4018	Osiris square	------	172,800	345 60	
4871	National do.	------	204,376	408 75	
	All the public streets from St. Peter St. above to Lft. Ave. below, from River Miss. to Lake Pontchartrain.	------	102,513,396	205,026 80	208,879 40

4th Draining District.

134	Pauline to Jeannie	------	27,260	54 50	
140	Royal	12, 13	4,305	9 00	
290	McCarthy sq.	------	116,060	232 10	
355	do. do.	------	28,344	56 70	
364	Montegut & Good C.	------	12,166	24 30	
861	Independence square	------	32,410	64 80	
	Jefferson place	------	106,701	213 40	
234	Streets from river to Florida avenue, from Laf'te avenue to lower parish line.	------	32,978,389	65,956 75	$66,611 55

565 53 & 54. *Ordinance No.* 4483. *Proposals of City to Sell 7 Dredge-Boats.*

MAYORALTY OF NEW ORLEANS,
CITY HALL, *April* 8, 1878.

(No. 4483, administration series.)

Be it ordained, That the administrator of improvements be, and is hereby, instructed to advertise for sale the various dredge-boats and machinery purchased by the city from the Mexican Gulf Ship Canal Company, and that the bids for the purchase thereof be made by sealed proposals.

Adopted by the council of the city of New Orleans April 2, 1878.

E. PILSBURY, *Mayor.*

A true copy.
THOS. G. RAPIER, *Secretary.*

Proposals for Purchase of Dredge-Boats.

DEPARTMENT OF IMPROVEMENTS,
CITY HALL, NEW ORLEANS, *April 11th*, 1878.

Sealed proposals will be received at this office until Saturday, May 11th next, at 12 o'clock m., for the purchase from the city of seven dredge-boats in whatever condition they now are, with all machinery and appurtenances thereunto belonging.

Parties bidding will be required to deposit with the administrator of finance 10 per cent. of the purchase price, as stipulated in the bid, a certificate of which must accompany the bid as a guar-
566 antee of good faith.

Terms cash on acceptance of bid. The city reserves the right to reject any and all bids.

JOHN McCAFFREY,
Administrator.

55. *Ordinance No.* 6741.

MAYORALTY OF NEW ORLEANS,
CITY HALL, *December* 15, 1880.

(No. 6741, administration series.)

Be it resolved, That each administrator be required to make accurate and detailed report of the condition of the department in his charge at the time of his induction into office, and that the said report be submitted to the city council at its regular meeting on Tuesday, December 28, 1880.

Adopted by the council of the city of New Orleans December 14, 1880.

Yeas—Delamore, Fagan, Fitzpatrick, Guillotte, Huger, Mealey, Walshe.

JOS. A. SHAKSPEARE, *Mayor.*

A true copy.
H. McNAMARA, *Secretary.*

567 56. *Brosnan's Report on Dredge-Boats.*

OFFICE OF CITY SURVEYOR,
NEW ORLEANS, *Dec.* 26, 1880.

Hon. John Fitzpatrick, adm'r of improvements, city of New Orleans.

SIR: In compliance with ordinance No. 6741, A. S., I have the honor to submit the following report as to the condition of the dredge-boats belonging to this city:

Dredge-boat No. 1.

Now moored in Mississippi river, Algiers side, near Brady & McClellan's Dry Dock Co.; machinery on board; dipper and dipper handle lying on the bank.

Dredge-boat No. 4.

Sunk about twenty yards from dredge-boat No. 1.

Dredge-boat No. 3.

Sunk in People's-avenue canal; water foot and half above boiler deck; impossible to ascertain what machinery the boat contains; hoisting and working chains not in sight; dipper lying about three hundred feet above the boat on bank of the canal.

Dredge-boat No. 2.

Dismantled; hull sunk in People's-avenue canal.

Dredge-boat Clam Shell.

Dismantled and sunk in People's-avenue canal.

568 Ridge boat.

Dismantled and sunk in London-avenue canal.

Dredge Noyes.

Now lying in Upper Line canal with machinery aboard; boat in leaking condition; inventory of tools, etc., found on board now on file in this office; also receipt for dipper loaned Gen'l Slaughter.

Your attention is respectfully called to ordinance No. 6038, A. S., passed July 1, 1879, authorizing the dismantling of the boats "Clam Shell," Ridge, and No. 2, and ordering the machinery and old iron to be stored in Erato-street yard. Ordinance No. 6039, A. S., passed

March 17, 1880, shows what disposition was made of the machinery, old iron, etc., of the dismantled boats.

Respectfully submitted,

(Signed) D. M. BROSNAN, *City Surveyor*,
P'r L.

57. *Ordinance No.* 6038.

MAYORALTY OF NEW ORLEANS,
CITY HALL, *July 1st*, 1879.

(No. 6038, administration series.)

Whereas the dredge-boats No. 2, Clam Shell, and Ridge,
569 belonging to the city, are unfit for use, all their wood-work being in bad condition, not repairable, and necessitate much expense for guarding, watching, etc.: Therefore

Resolved, That the administrator of improvements be, and he is hereby, authorized to have said boats broken up and the machinery and such portions of the materials as might hereafter prove serviceable and valuable to the city properly housed and stored.

Be it further resolved, That when it shall become necessary or to the interest of the city the administrator of improvements shall from the above material cause the construction of one or more boats, as may be required.

Adopted by the council of the city of New Orleans July 1st, 1879.

Yeas—Chevally, Glynn, Houston, Isaacson, Marks, Mealey.

J. W. PATTON, *Mayor*.

A true copy.

ROBERT C. WOOD, *Secretary*.

58. *Ordinance No.* 6396.

MAYORALTY OF NEW ORLEANS,
CITY HALL, *March* 17, 1880.

(No. 6396, administration series.)

Whereas part of the wreck of three of the seven dredge-
570 boats acquired by the city from the Mexican Gulf and Ship Island Canal Company, *which* being practically valueless except as old iron, is a care and burden to the city, as it necessitates storing and watching; and

Whereas the department of improvements need*ing* large quantities of lumber, spikes, and nails for the repair and construction of the street bridges, crossings, and wings of this city: Be it

Resolved, That the exchange of materials effected by the administrator of improvements with Messrs. M. Schwartz & Brother be, and the same is hereby, approved by the council.

Adopted by the council of the city of New Orleans March 16, 1880.

Yeas—Chevalley, Collins, Glynn, Isaacson, Marks, Meallie.

J. W. PATTON, *Mayor*.

A true copy.

ROB'T C. WOOD, *Secretary*.

59. *Ordinance No. 6970 and Proclamation.*

No. 6970, administration series.

Be it resolved, That the mayor be authorized to issue his proclamation advising the people not to pay the drainage tax until the question is decided by the supreme court.

Adopted by the council of the city of New Orleans April 5, 1881.

571 Yeas—Delamore, Fagan, Fitzpatrick, Guillotte, Huger, Mealey, Walshe.

JOSEPH A. SHAKESPEAR, *Mayor.*

Proclamation.

MAYORALTY OF NEW ORLEANS,
CITY HALL, *April* 6, 1881.

All persons of whom a tax for drainage in the city of New Orleans is demanded are hereby advised not to pay said drainage tax until the right to exact said tax has been settled by decision of the supreme court of this State.

(Signed) JOS. A. SHAKESPEARE, *Mayor.*

60. Deposition of D. M. Brosnan, copied at page 71 of this transcript.

61. Deposition of Samuel D. Moody, copied at page 74 of this transcript.

572 62. Opinion and judgment of the supreme court of Louisiana "in the matter of the commissioners of the first draining district praying for a homologation of the assessment-rolls, &c., No. 4338, 27 La. Ann., page 20 to 24, and opinion and decree of the Sup. Court U. S., Davidson *vs.* New Orleans, 96 U. S., p. 97 and following, and both as contained in the printed reports and not filed in court.

63. *Copy of Opposition of Mrs. Rey, Filed in Seventh District Court, &c.*

Extract from record No. 9189, seventh dist. court, and No. 4338, supreme court of Louisiana, p. 181, 182, 183, and 184.

STATE OF LOUISIANA:

Seventh District Court for the Parish of Orleans.

No. 9189.

In the matter of the commissioners of the first draining district, praying, etc.

Opposition of Mrs. Rey. Filed January 26, 1872.

To the honorable the seventh district court, parish of Orleans:

The petition and opposition of Mrs. Widow F. Rey, of this city,

owner of a certain landed property situate, being, and lying within St. Peter to Julia and the river and Claiborne streets,
573 to the tableau of assessment filed by said commissioners, with respect represents:

1. That the judgment giving a privilege to said commissioners for said tax and the authority to enforce the same is prescribed by the lapse of ten years.

2. That by law the costs of the draining cannot exceed $350,000, when twice that amount is claimed.

3. That no work of any kind has been made by said commissioners or other persons towards the drainage of the city and its protection against overflow as contemplated by law, and that no claim can be set up against the owners of property for the price of work which has not been done, and if the law permits it said law is unconstitutional, null, and void, and that as a tax it is unconstitutional, not equally assessed upon all the property of the inhabitants, owners of property within the assessment districts.

4. That plaintiffs are not entitled to a judgment *in personam*.

5. That the law upon which plaintiffs base their demand is not and never has been a law of the State, the constitutional requirement having not been complied with to give it authority of law, and it never having been signed by competent authority.

Wherefore petitioners, and opponents pray that this opposition be filed, that this opposition be sustained, and that plaintiffs' tableau, claims, &c., be dismissed and declared to be illegal, null, and void, and with costs.

And as in duty bound, &c., &c.

(Signed) A. ROBERT, *Of Counsel.*

574 *Extracts from Assessment-Rolls First Draining District, Showing Assessments Made in the Name of John Davidson and Confirmed and Homologated by the Judgment of Court. Taken from Printed Record Supreme Court U. S., Davidson vs. ——, No. —, p.* 27 *&* 28.

Book B, containing assessments on land from Claiborne street to the Lake Pontchartrain, between Bayou St. John & New canal, belonging to John Davidson ----	403 70
	702 82
	1,586 67
	2,693 19
Book No. 1 B, containing assessments on lands between St. Peter & Julia streets, Mississippi river, and Claiborne street, belonging to John Davidson ----------	29 80
	12 70
	33 80
	7 42
	23 30

Book No. 2 B, containing assessments on lands between Carondelet Walk, Florida landing, Claiborne St., and Metarie road, belonging to John Davidson	175 65
	221 75
	214 60
	302 10
Book No. 3 B, containing assessments on lands between Bayou St. John, Florida landing, Metarie road, and Lake Pontchartrain, belonging to John Davidson	2,830 80
	3,244 43
	2,208 30
	2,239 05
	6,040 10
	1,349 50
	1,798 75
	234 15
	233 30
	175 35
	131 55
	131 55
	187 55
	161 35
	151 90
	151 90
	206 80
	1,332 39
	4,145 45
	12,032 55
	1,166 25

575 65. *Copy of Petition, Alternative Writ of Mandamus, Answer, Supplemental Petition, Testimony of W. Van Norden, James Guthrie, Statement of Drainage Taxes, &c.*

Supreme Court of the State of Louisiana.

No. 5735.

STATE OF LOUISIANA:

Superior District Court, Parish of Orleans.

STATE OF LOUISIANA *ex Rel.* WARNER VAN NORDEN
vs.
MAYOR & ADMINISTRATORS OF THE CITY OF NEW ORLEANS. } No. 26326.

Petition. Filed January 19, 1875.

To the honorable the judge of the superior district court for the parish of Orleans, State of Louisiana:

The petition of the State of Louisiana upon the relation of Warner

Van Norden, a resident of the city of New Orleans, in said State, respectfully represents—

That heretofore, to wit, in or about the year 1858, a certain act was passed by the General Assembly of the State aforesaid to provide for leveeing, draining, and reclaiming swamp lands in certain portions of the parishes of Orleans and Jefferson, and that in and by said act certain boards of commissioners were constituted and duly authorized and empowered to levy such uniform assessments upon the superficial or square foot of land situated within
576 the drainage section or district of each board as might be necessary to defray the costs and expenses of constructing levees, machinery, canals, and other work necessary for carrying out the provisions of the act aforesaid.

That in and by a certain other act, approved March 17, 1859, the right of the several boards aforesaid to levy and impose a drainage tax upon all the property lying within the drainage sections or districts aforesaid and against the owner and owners thereof was fully recognized, ratified, and enlarged.

That in and by act No. 37, approved March 1, 1861, it was provided and declared that the drainage tax or assessment aforesaid should be sued for and collected by filing tableaus of assessment in such court or courts as might have jurisdiction in the premises, and through and by means of an homologation of such tableaus to obtain a judgment against the several pieces of property assesssed and the owners thereof which under the law was to be enforced and collected through the instrumentality of a writ of *fieri facias*.

That for the purpose of more effectually providing for the drainage of the city of New Orleans the State of Louisiana, in and by a certain act of the Legislature, known as act No. 30, passed at a session thereof held in the year 1871, authorized and empowered the Mississippi and Mexican Gulf Ship Canal Co. to do certain works, particularly designated and described in said last-mentioned act, and in order to provide funds for the payment of the work to be done under said act No. 30 aforesaid the three drainage boards for drainage sections hereinbefore referred to, established under the acts of March 18, 1858, March 17, 1859, and the several acts
577 amendatory thereof, and any and all other persons or corporations who may have the same in possession or under their control, were required to transfer and convey to the board of administrators of the city of New Orleans, in manner and form as prescribed in such act, all moneys, assessments, claims for drainage, property, rights, and effects, they, the said administrators, by the act aforesaid, being fully subrogated to all the rights, facilities, and privileges theretofore possessed and enjoyed by the commissioners of the several drainage sections established by the act of 1858 aforesaid.

That in and by the act last aforesaid the board of administrators of the city of New Orleans was authorized to levy and impose an assessment of two mills per superficial foot in those parts of the three draining districts aforesaid and in such other property or lands as might be brought within the protection levees contemplated by said

act No. 30 upon which no assessment had been made, and was also authorized and empowered to enforce the collection of such additional assessments and the entire drainage tax, whether levied and imposed by the said board of administrators or otherwise, in the manner and form as provided for in the several acts of the Legislature of Louisiana creating and regulating the boards of drainage commissioners and other acts supplementary thereto or amendatory thereof, and to hold and dispose of the moneys collected in manner and form as prescribed and provided for in said act.

And your petitioner shows unto your honor that tableaus of assessment or assessment-rolls for the first, second, third, and fourth
578 drainage sections or districts of the city of New Orleans have been duly completed and filed in competent courts in accordance with law; that the same have been homologated and approved and final judgment rendered against the several pieces of property and the owners thereof described and named in such tableaus, and that the said judgments are now in a condition to be collected and enforced by writs of *fieri facias*, all of which will more fully and at large appear from the proceedings "in the matter of the commissioners of the first draining district," 7th D. C., 9189, supreme court, 4338; in the matter of the second draining district, praying, &c., No. 7482, eighth district court, and in the matter of the city of New Orleans praying for recognition, &c., fourth drainage district, No. 807, superior district court, and to which, for greater certainty, reference is prayed.

Further, your petitioner shows unto your honor that the aforesaid writs of *fieri facias* are absolutely necessary to enable the board of administrators to pay for the work done and being done under and in conformity to the act of the Legislature hereinabove designated as act No. 30, and more particularly at the time or period fixed in such act; that but a small proportion of the drainage tax and judgments aforesaid will be collected or realized in absence of such writs; that the same are not only essential but are authorized by the provisions of act No. 57, approved March 1st, 1861, to be issued against all delinquent tax-payers, and that relator, Warner Van Norden, will sustain great and irreparable loss and injury by a failure on the part of said board of administrators to enforce the prompt
579 collection of the drainage tax and judgments aforesaid through writs of *fieri facias* to be issued and placed in the hands of the sheriff, but that, notwithstanding the premises aforesaid, the board of administrators of the city of New Orleans is taking no legal steps to enforce the collection of the tax and judgments aforesaid, and has refused and persists in refusing to demand and to cause to be issued the executions or writs hereinabove particularly referred to.

Further, your petitioner shows unto your honor that on or about the twenty-second day of May, A. D. 1872, the Mississippi and Mexican Gulf Ship Canal Co., for a full and adequate consideration and in due course of business, transferred and conveyed unto relator, Warner Van Norden, all the rights, franchises, and privileges theretofore possessed and owned by the said company under and by virtue

of act No. 30, so far as is set forth and described in a certain notarial act made and executed before Andrew Hero, Jr., a notary public in the city of New Orleans, under date of the 22nd day of May, A. D. 1872, hereunto annexed and made part of this petition, and that the rights and — of relator Van Norden as such transferee *has* been recognized and ratified not only by the city of New Orleans and by the State of Louisiana in her statutes but in the fundamental law of Louisiana duly made and adopted by the people thereof.

Furthermore shows that the writ of mandamus hereinafter prayed for is necessary to secure the lawful rights of relator Van Norden and to prevent a denial of justice, and that the matter in controversy greatly exceeds in value the sum of one thousand dollars.

The premises considered, your petitioner and relator prays
580 that an alternative writ of mandamus may issue, directed to the mayor and the several administrators composing the board of administrators of the city of New Orleans, requiring them and each and all of them, their and each of their attorneys and employees, to do whatever it may — in their power to do to enforce the prompt collection of the drainage tax and drainage judgments now due and unpaid in the first, second, third, and fourth drainage sections or districts in the city of New Orleans; to cause writs of *fieri facias* to be issued within the shortest practicable delay upon all final judgments rendered upon the homologation of the tableau of assessments or assessment-rolls of each and all of the aforementioned drainage districts, and to push and prosecute such writs to a speedy and full realization and collection, so that the board of administrators will be in a condition and will be able to pay in cash for the work contemplated to be done under and by virtue of the several acts of the General Assembly of Louisiana hereinabove referred to and at the time and in the manner therein set forth or show cause to the contrary at a time and place to be fixed by your honor; that upon hearing the parties, should such hearing be rendered necessary by a refusal on the part of the defendants to comply with the writ of alternative mandamus hereinabove applied for, then and in that event a peremptory writ of mandamus may be directed to issue, ordering and requiring the mayor and board of administrators to do the things required of them in the aforementioned alternative writ; that such alternative writ may be made absolute, peremptory, and final; that the several defend-
ants may be ordered and condemned to pay jointly and sev-
581 erally all the costs of this proceeding, and that petitioner and relator may have such other and further order as may be suited to law and the nature of the case.

LACEY & BUTLER, *Attorneys.*

STATE OF LOUISIANA, }
City of New Orleans. }

Warner Van Norden, the relator in the foregoing petition named, being duly sworn, doth depose and say that the facts and allegations set forth and contained in the foregoing petition are true.

W. VAN NORDEN.

Sworn to and subscribed before me this 19th day of Jan'y, A. D. 1875.

——— ———,
Second Justice Peace, Parish of Orleans, La.

Let an alternative writ of mandamus issue as within prayed for and be made returnable in open court on Monday, the 25th day of January, A. D. 1875, at 11 o'clock a. m.

New Orleans, January 19th, A. D. 1875.

JACOB HAWKINS, *Judge.*

No. 26326.

Alternative Writ of Mandamus. Filed January 23, 1875.

The State of Louisiana to Charles J. Leeds, mayor, and the
582 administrators of the city of New Orleans, Greeting:

You are hereby commanded, in the name of the State of Louisiana and of the superior district court for the parish of Orleans, to comply with the demand contained in the prayer of the petition (a duly certified copy of which accompany this writ) or show cause to the contrary on Monday, the 25th day of January, A. D. 1875, at 11 o'clock a. m.; and herein fail not, under penalty of law.

Witness the Hon. Jacob Hawkins, judge of our said court, this 20th day of January, in the year of our Lord one thousand eight hundred and seventy-five, and in the ninety-ninth year of the Independence of the United States.

P. E. BURKE, *D'y Cl'k.*

STATE OF LOUISIANA:

Superior District Court for the Parish of Orleans.

STATE OF LOUISIANA *ex Rel.* WARNER VAN NORDEN
vs.
MAYOR AND ADMINISTRATORS OF THE CITY OF NEW ORLEANS. } No. 26326.

Answer to Demand. Filed Jan'y 25, 1875.

And now comes defendant, and for answer to the petition and demand of relator says—

That Warner Van Norden, as transferee or vendee or otherwise of the Mississippi and Mexican Gulf Ship Canal Company, has no power or right to stand in judgment herein; that
583 said company could not assign, transfer, or convey their rights, franchises, and privileges to relator under the law, nor could it empower him to exercise the rights granted them for maintaining and asserting the object of the grant upon which these proceedings are sought to be based; that the transfer and conveyance of its rights, functions, and privileges by the said incorporate

company is contrary to the law and void; that said relator has never been and is not now legally invested with any of the rights, franchises, and privileges granted to said company.

Respondent denies that the State of Louisiana by statute or the people through their fundamental law have ever assented to and authorized the transfer claimed by relator, and especially denies that the city of New Orleans has recognized and ratified said transfer in any manner to her prejudice; neither could said city by any act of hers render said transfer valid and binding on her.

Further, respondent says that they have sought and are seeking by all proper means and just endeavors to collect the drainage tax; that there exists a special sub-department and staff of clerks and employees for the sole purpose of collecting said tax; that there is no law requiring the respondents to seize and sell the property assessed for said tax without first endeavoring to collect it by means less harsh and injurious; that very much of the property from which the tax is to be collected is situate in the rear of the city, and if sold would not bring the amount assessed against it; that indeed respondent believes that no sale could be effected of said property and no advantage would result from the issuance of writs of *fieri*
584 *facias* against it; that respondents are not without discretion to issue such writs or not so to do, and cannot be compelled thereto by a writ of mandamus.

That respondents require strict proof of all the facts alleged by the relator, all of which, except as admitted, are denied.

Wherefore respondents pray the dismissal of relator's demand for costs and all general relief.

SAM'L P. BLANC,
Ass't City Att'y and for Mayor and Administrators of City of New Orleans.
J. G. BROWN,
Adm'r Pub. Acc'ts.

Sworn to and subscribed before me this 25th day of Jan'y, 1875.
W. T. F. CONSTOR,
First Justice of the Peace for the Parish of Orleans, La.

STATE OF LOUISIANA:

Superior District Court for the Parish of Orleans.

vs.
MAYOR AND ADMINISTRATORS OF THE CITY OF NEW ORLEANS. } No. 26326.

Supplemental Petition. Filed Jan'y 25th, 1875.

The supplemental petition of the State of Louisiana upon the relation of Warner Van Norden respectfully represents—

585 That in and by section 8 of act 30 of the sessions of 1871, which act is particularly mentioned and referred to in the

original petition filed in this proceeding, it is provided that at the end of each and every month an examination and estimate of the work done under and in pursuance of such law should be had; and upon the presentation of the certificate required by such act it was made the duty of the administrator of accounts to draw a warrant or warrants on the administrator of finance in payment of work so done at the rates prescribed by law.

That in and by the same section it was made the duty of the administrator of finance to cash such warrants on presentation thereof to him in case there be any funds in the city treasury to the credit of the Mississippi and Mexican Gulf Ship Canal Company; and should there not be any funds in the city treasury to the credit of said company to pay said warrant or warrants, then and in that event the administrator of finance was required to endorse upon the said warrant or warrants the date of the presentation thereof, after which date the same shall bear interest at the rate of eight per cent. per annum until paid.

Now, your petitioner shows unto your honor that he has constructed and completed certain work, under and in conformity to the aforesaid act No. 30, amounting to not less than forty thousand dollars, for which he is entitled to demand and receive from the administrator of accounts a warrant or warrants as authorized and required by the aforesaid sections; and for other work done and not completed under and in accordance with act No. 30 he is the *bona fide* owner and holder of warrants issued under section 8
586 aforesaid to the amount of thirty thousand dollars or thereabouts.

That the said Van Norden, not only by reason and on account of his rights and status as transferee had and acquired in manner and form as set forth in the original petition, but because of his position and rights as owner of the unliquidated claim aforesaid and as the *bona fide* and legal owner and holder of the warrants issued as hereinabove set forth, is justly and legally entitled to require the mayor and administrators of the city of New Orleans to discharge the ministerial duty above involved in issuing the writs of *fieri facias* referred to in the original petition.

Wherefore your petitioner prays leave to file this her supplemental and amended petition; and, leave being granted, she further prays that service thereof may be made in accordance with law; that the judgment prayed for in the original petition may be accorded by your honor; that the said defendants may be jointly and severally condemned to pay all the costs of this proceeding, and that petitioner and relator may have such other and further relief as is suited to law and the nature of the case.

LACEY & BUTLER, *Attorneys.*

STATE OF LOUISIANA, }
City of New Orleans. }

Warner Van Norden, being duly sworn, doth depose and say that the facts and allegations set forth and contained in the foregoing petition are true.

42—1234 W. VAN NORDEN.

Sworn to and subscribed before me this 25th day of Jan'y, A. D. 1875.

WM. H. HOLMES,
Second Justice — Peace, New Orleans, La.

587 Let the within supplemental and amended petition be allowed and filed.

New Orleans, Jan'y 25th, 1875.

JACOB HAWKINS, *Judge.*

STATE OF LOUISIANA:

Superior District Court for the Parish of Orleans.

STATE OF LOUISIANA *ex Rel.* WARNER VAN NORDEN
vs.
MAYOR & BOARD OF ADMINISTRATORS OF THE CITY OF NEW ORLEANS. } No. 26326.

Testimony. Filed Feb'y 15th, '75.

Testimony taken in behalf of plaintiffs Feb'y 8, 1875.

W. VAN NORDEN, being duly sworn, deposes as follows:

Examination by counsel for plaintiffs:

Q. Are you the relator in this suit?

A. Yes, sir.

Q. Please state to the court all circumstances connected with the passage of the act of May 22d, 1872.

A. The Mississippi and Mexican Gulf Ship Canal Company had this contract with the city and were in want of money, which could not be obtained from other sources; it was loaned by me. The contract was transferred to me as security for the loan.

Q. How much did you loan the company?

A. At that time it was one hundred and fifty thousand dollars.

588 Q. Are you the only transferee?

A. I am the only transferee.

Q. Have you ever seen the act No. 22 of the session of 1874?

A. Yes, sir.

Q. Who is the transferee referred to in that act?

A. Myself.

Q. When did you have occasion to do business with the city for the first time as transferee under the contract which I have referred to?

A. In 1872.

Q. Have you constantly been doing business with the city since that time as transferee of this contract?

A. Yes, sir.

Q. Up to what time?

A. To the present.

Q. Have you had very large transactions with the city?
A. Yes, sir; very large.
Q. Has she not refused to recognize the transfer?
A. No, sir.
Q. Has she always and on all occasions recognized it?

Objection to mode of interrogatory not sufficiently definite.

Q. Has the administrator of finance at any time under this contract paid you any money for it as transferee?
A. Yes, sir; only once.
Q. Do I understand you to have received money under this contract as transferee of the contract and done according to the
589 requirement of act 30?
A. Yes, sir.
Q. How much?
A. Three hundred and sixty-six dollars ($366.00).
Q. In cash?
A. Yes, sir.
Q. In gold bonds, etc., how much has the city paid over to you?
A. About a million of dollars.
Q. Has the action and conduct of the administrator in reference to your position as transferee had any effect upon your conduct in connection with the contract?
A. Yes, sir; believing such recognition valid, I done a large amount of work for the city, advanced money, bought machinery, &c.
Q. Is not the refusal to recognize your status or position as transferee calculated to subject you to a loss?
A. Yes, sir.
Q. Did the city ever make out the form of warrant that was to be drawn in conformity to the act of the Legislature passed in 1871?
A. Yes, sir.

Document shown witness.

Q. Just look at this and see if this is the form of the warrant?
A. Yes, sir.
Q. When you speak of the city whom do you mean?
A. The mayor and board of administrators.
Q. Who made out this warrant?
590 A. The administrator of finance and public accounts.

Form of warrant offered in evidence.

Q. When did the city of New Orleans commence to undertake the collection of the drainage tax under the drainage-tax judgments?
A. So far as I know, in 1871.
Q. Had she during that time a bureau for that purpose?
A. Yes, sir.
Q. Who was at the head of it?
A. W. T. Mayo.
Q. Do you know what special duty was assigned to that officer?
A. The collection of the drainage tax.

Q. Do you know whether he was diligent in his efforts to collect this tax?

A. Yes, sir; very diligent.

Q. How much cash has been realized by Mr. Mayo as the head of this bureau since 1871?

A. About fifty thousand dollars ($50,000)—over that—fifty thousand in cash and about thirty thousand in warrants since June 30, 1871.

Q. How much is required monthly to meet the payment of the work done by the company?

A. About thirty-five to forty thousand dollars.

Q. You say that from thirty-five to forty thousand dollars is necessary to be raised monthly for the purpose of meeting payment for the work during the month?

A. Yes, sir.

591 Q. And the administrators have only realized since 1871 about eighty or ninety thousand dollars?

A. That is all, sir.

Q. Have you made any efforts to collect the drainage tax? State what you have done.

A. The city agreed to receive warrants issued to me in payment of the drainage tax. I set young men to work to solicit the collecting of the taxes, offering them a liberal discount, but so far we have only succeeded in collecting twenty-five thousand dollars in warrants up to the present day. We told them if they didn't pay they would be compelled to.

Q. Did your employees make strenuous efforts to realize the collections?

A. Yes, sir.

Q. Could collect to the extent of what amount per month?

A. About three thousand dollars per month.

Q. Has the amount collected by your employees, when added to the amount collected by the city at any time, been sufficient to meet the monthly expenditure of the company?

A. Only sufficient to meet about ten per cent. of it.

Q. And how has the city invariably paid for the work done?

A. In warrants.

Q. None of it in cash except three hundred and sixty-six dollars ($366.00). It is always paid in warrants?

A. Yes, sir.

Q. What have you done with the warrants?

A. The majority of them have been funded into gold bonds under act 73 of 1872; the others are held by myself.

592 Q. Have you not been compelled to dispose of some of them?

A. Only to tax-payers; they have no market value.

Q. Have you as transferee under act of 22nd of May, 1872, recently constructed and completed any work?

A. Yes, sir.

Q. What did it amount to at the rate specified?

A. It amounted to not less than forty thousand dollars.

Q. You mean forty thousand dollars uncovered by warrants?

A. Yes, sir.

Q. Is there any work lately completed by you as transferee which is covered by warrants issued according to law?

A. Yes, sir.

Q. To what extent?

A. To the amount of thirty thousand dollars.

Q. Where are those warrants?

A. In my possession. I hold them.

Q. What can you get for those warrants if you were compelled to sell them?

A. A very small amount. I could not get more than a quarter of their face value.

Cross-examined:

Q. Have you ever attempted to sell any of your warrants?

A. No, sir; they had no market value. I never placed any of them regularly in the market.

Q. What amount of bonds have you received from the city?

A. About one million.

Q. Do you hold these bonds still?

593 A. A portion of them.

Q. Have you sold any of these kind of bonds in the city of New Orleans?

A. Many of them.

Q. You say that you have made a number of attempts to collect this drainage tax by sending collectors on your own account. Have you sent your collectors in the rear of the city to owners for the purpose?

A. Yes, sir.

Q. Have they given any reasons why they had not paid this drainage tax?

A. Yes, sir; they have given many reasons.

Q. What reasons?

A. One reason was they would say, "We are ready when we see the city in earnest," and would say, "We can make better use of our money." Another reason would be that they have no money. Another reason in some cases that the property is not made valuable, etc.

Q. Have you not heard a general complaint that the property would not suffice to pay the tax upon it?

A. No, sir; not a general complaint.

Q. Is not the greater part of the property within the drainage districts of very small value?

A. I think not, sir.

Q. Don't you know that much of the property is not worth the amount of the taxes at present?

A. I have no doubt but what considerable of it is.

Redirect:

Q. Would not the property become valuable if the drainage system was carried out?

A. Yes, sir.

Q. Did you not, after the passage of the act of May, 1872, take possession of the works under the contract?

A. Yes, sir; I did shortly afterwards.

Q. Have you been doing the work called for by the act of the Legislature No. 30 under transfer made by that act?

A. Yes, sir.

Q. You are still as transferee making the levees and doing the work called for by act of the Legislature No. 30?

A. Yes, sir.

Testimony of Mr. James Guthrie.

Being duly sworn, deposes and says:

Q. Have you been employed by Mr. Van Norden to assist in the collection of the drainage tax?

A. Yes, sir.

Q. What efforts have you made for the purpose of realizing that tax?

A. I have acted more in the capacity of a broker, in going to people who owed the drainage tax. I found a great many people who would say that the tax only bears six per cent. interest, and that their money is worth to them more than that, and that they would not pay until compelled to.

Q. Have you not found it almost impossible to realize this tax in the absence of coercive measures?

595 A. Yes, sir; I think I have, except in cases where there was a transfer of property; the purchaser would require that the vendor should clear up all the taxes. It has generally been difficult to make a collection.

Q. The amount of your collections is merely nominal generally?

A. Yes, sir.

Cross-examined:

Q. When have you tried to collect this tax?

A. In the different districts of the city; all through the city excepting the fourth drainage district. I never solicited payments there.

Q. Have you not solicited chiefly from persons who owned property in the valuable portions of the city?

A. Oh, no, sir; I have not at all limited my solicitations to any particular quarter. I have taken a memorandum that I have of the taxes that were due and found the addresses of the parties in the directory, and I offered to pay at a discount their taxes. In that way I have approached the property in every section of the city.

Q. Are not those persons who refused to pay on the ground that they could hold their money to better advantage, are they not persons who are fully able to pay?

A. Oh, yes, sir; they were able to pay.

Q. Have you had any other complaint except this?

A. Some told me they were unable to pay, and I pushed the matter no further.

596 Superior District Court, Parish of Orleans.

No. 26326.

STATE OF LOUISIANA *ex Rel.* W. VAN NORDEN *vs.* THE MAYOR & ALDERMEN, &c. } No. in Supreme Court Louisiana, 5735.

Mayor's Statement of Drainage Tax. Filed February 11, 1875.

Draining districts.	Assessments due June, 1871.	Collected by city.	Swamp lands unpaid.
1st	$388,000 00	36,000 00	130,000 00
2nd	212,000 00	45,000 00	All paid.
3rd	422,000 00	35,000 00	142,000 00
4th	215,000 00	3,400 00	70,000 00
	1,237,000 00	119,400 00	$342,000 00
Collected to January 1, 1875	119,000 00		
	1,117,000 00		

	Due by individuals on improved lands.	Due by city.
1st dist., due June 1, 1871	$222,000 00	$230,000 00
2nd "	167,000 00	200,000 00
3rd "	245,000 00	205,000 00
4th "	152,000 00	66,000 00
	$786,000 00	$701,000 00

597 Due by individuals on improved lands $786,000 00
swamp lands 342,000 00
City of New Orleans on streets, &c. 701,000 00

STATE OF LOUISIANA:

Superior District Court for the Parish of Orleans.

THE STATE OF LOUISIANA *ex Rel.* WARNER VAN NORDEN
vs.
THE MAYOR & ADMINISTRATORS OF THE CITY OF NEW ORLEANS. } No. 26326.

Judgment. Filed —— —, 1875.

STATE OF LA. *ex Rel.* WARNER VAN NORDEN
vs.
MAYOR & ADMINISTRATORS OF THE CITY OF NEW ORLEANS. } No. 26326.

STATE OF LA. *ex Rel.* THE MISS. & MEX. GULF SHIP CANAL CO.
vs.
MAYOR & ADMINISTRATORS OF THE CITY OF NEW ORLEANS. } No. 26348.

These cases, continued to this day, came on for trial.

Lacy & Butler and Alfred Shaw, for Warner Van Norden; Chas. S. Rice, for relator, The Mississippi and Mexican Gulf Ship
598 Canal Company; B. F. Jonas, city attorney, and S. P. Blanc, assistant city attorney, attorneys for respondents.

When, after hearing the argument of counsel, the court considering the law and the evidence to authorize the same—

It is hereby ordered, adjudged, and decreed that the alternative writs of mandamus issued in these suits and directed to the mayor and the several administrators comprising the board of administrators of the city of New Orleans be, and the same are hereby, made peremptory, absolute, and final so far as to require the said respondents to cause to be issued writs of *fieri facias*, so as to collect and realize thereby in cash and in the manner provided by law an amount sufficient to cover the work now done under act No. 30 of the session of 1871 and not paid for—to wit, the sum of twenty-eight thousand three hundred and fifty-eight $\frac{00}{100}$ dollars—without prejudice to the right of relator hereafter to obtain such relief as the law may authorize in reference to drainage work not yet constructed and completed.

It is further ordered that respondents pay all costs of these proceedings.

Judgment rendered Feb'y 16th, 1875; signed Feb'y 20, 1875.

JACOB HAWKINS, *Judge.*

STATE OF LOUISIANA:

Superior District Court for the Parish of Orleans.

THE STATE OF LOUISIANA *ex Rel.* WARNER VAN NORDEN
vs.
THE MAYOR AND ADMINISTRATORS OF THE CITY OF NEW ORLEANS. } No. 26326.

599 Extract from the Minutes.

Motion for Appeal by Defendants. Filed January 27, 1875.

On motion of B. F. Jonas, city attorney, and Sam. P. Blanc, assistant city attorney, and upon their suggesting that the final judgment in the above cause rendered contains error to the prejudice of the defendants, and they desire a suspensive appeal therefrom—

It is ordered that a suspensive appeal be granted the defendants from the final judgment rendered in the above cause, returnable in the supreme court of this State on the 3rd Monday of March, 1875, there not being sufficient time before for making up the transcript.

It is further ordered that said appeal be granted without —, yet as in case of giving bond or surety.

STATE OF LOUISIANA:

Superior District Court for the Parish of Orleans.

THE STATE OF LOUISIANA *ex Rel.* WARNER VAN NORDEN
vs.
THE MAYOR & ADMINISTRATORS OF THE CITY OF NEW ORLEANS. } No. 26326.

Extract from the Minutes.

Motion of City for Suspensive Appeal. Filed February 27th, 1875.

600 On motion of B. F. Jonas, city attorney, and Sam. P. Blanc, assistant city attorney, and on their suggesting that the city of New Orleans has been aggrieved by the final judgment rendered in the above cause, which said judgment contains error to her prejudice, and that she has a pecuniary interest invested in said cause far exceeding five hundred dollars, and that she desires a suspensive appeal therefrom—

It is ordered that a suspensive appeal be allowed the city of New Orleans from the final judgment rendered in the above cause as upon giving bond and yet without surety.

It is further ordered that said appeal be returned in the supreme court of this State on the 3rd Monday in March, 1875, there not being sufficient time before next return day for making up transcript.

Personally came Charles J. Leeds, who, being first sworn, says he is mayor of the city of New Orleans, and that the city has a pecuniary interest in the above cause far exceeding $500.00.

CHARLES J. LEEDS, *Mayor.*

66. Opinion and decree of supreme court La. in Davidson *vs.* New Orleans, 34 Ann., p. 170, ending 178, as contained in the above report, not filed in court.

601 67. *Notice from the Mississippi and Mexican Gulf Ship Canal Co. to the Council of the City of New Orleans, &c.*

OFFICE MISSISSIPPI AND MEXICAN
GULF SHIP CANAL COMPANY,
NEW ORLEANS, *March* 14, 1871.

To the council of the city of New Orleans:

I have the honor to inform you that the Mississippi and Mexican Gulf Ship Canal Company is prepared immediately to commence the work of drainage in accordance with the provisions of the seventh section of "the act to provide for the drainage of the city of New Orleans" promulgated this day.

It is desirable that the work should commence at once in order that the main business portion of the city, that lying between the New and Carondelet canals, the river and the lake, should be protected from overflow before the usual storm tides of September.

(Signed) JAMES O. NOYES, *President.*

Proceedings of the city council (printed), page 254, date March 14, 1871.

68. *Certain Extracts from the Proceedings of Council of the City of New Orleans of April* 4, 1871.

602 Extract from the proceedings of the council of the city of New Orleans of April 4, 1871 (printed proceeding), page 7, being section 13 of ordinance proposed and offered by Shaw, administrator of public accounts.

"13. The city will issue warrants for the payment of the work, as required by the act of the Legislature, and in case of non-realization or non-collection of assets the same to bear eight per cent. per annum interest, the said warrants to be issued with the understanding to be inscribed therein or endorsed thereon that they shall not be enforceable by suit or judgment, but if not paid within one year out of the proceeds of the drainage tax and assets they shall be fundable in bonds of the city bearing eight per cent. interest, payable semi-annually, having ten years to run, and with due provision for retiring the same and securing the punctual payment of interest and gradual extinction of the principal. The city and company shall agree to apply to the Legislature for approval of the issue of

the said bonds. The city shall have power to sell said bonds or give the same in payment of the work contracted for; but no sale or exchange shall be made at a price less than eighty cents on the dollar, exclusive of interest; and any holder of a warrant, after thirty days' notice, if not paid in money, may demand bonds for the same at eighty cents on the dollar.

A similar provision was contained in an ordinance offered at the same meeting of said council, and to be found at p. 5 of said printed council proceedings.

603 69. *City Surveyor's Report to Mayor, &c.*

Printed proceedings city council, pages 36 and 37.

SURVEYOR'S OFFICE,
NEW ORLEANS, *March* 23, 1871.

Hon. F. B. Flanders, mayor.

SIR: In answer to your communication of March 16, 1871, relative to amount of expenditure required under Mexican Gulf Canal Company drainage bill, I have the honor to report the following approximate estimate:

22,300 lineal feet of canal and levee from the Mississippi river to lake above the city, forty wide by twelve deep, eighteen cubic yards per foot	$401,400
11,220 lineal feet of canal and levee below the city and north of the Metairie Ridge, thirty-five wide by twelve deep, fifteen and a half cubic yards	173,910
21,120 lineal feet of canal and levee below the city and south of Metairie Ridge, forty wide and twelve deep, and eighteen cubic yards	380,160
22,440 lineal feet canal and levee along lake shore, sixty-five foot canal and one foot levee	627,200
505,580 cubic yards of material excavating at fifty cents	252,700
Total cost of canal and levees	$1,934,460

The above estimate comprises seventeen miles of reservoir canals and protection levees and eleven miles of river front inclosing an area of 26,026 acres or 1,133,692,560 superficial feet, over
604 which area a rainfall of three inches would — 283,423,140 cubic feet of water on the land, which would require six pumping engines having five times the capacity of the present six wheels now in use to discharge the rainfall in ten hours, which machinery would probably cost $450,000, and should be capable of lifting seventeen feet.

The capacity of the canals as proposed would be about 41,194,170 cubic feet; the capacity of the present draining canals and new ones as proposed to be about 28,000,000 cubic feet, making a total reservoir capacity of 69,194,174 cubic feet. Should the lake levee be

located a sufficient distance in from the lake shore to protect it from the heavy seas (still some light facing would be required to prevent washing), about four hundred acres would be absorbed for canal and levee, and leaving an unsightly shore outside. I would recommend if a lake levee be built that it be placed as far as possible out in the lake and revetted permanently, the cost of which for 18,700 feet of iron revetment would be $22.50 per lineal foot; complete, $420,750.

Relative to the cost of excavating, my experience is in prairie lands. Canals of thirty feet width, ten feet deep, can be excavated with dredges for twenty-five cents per cubic yard. In swamp timber land the cost has been thirty-five to thirty-eight cents per cubic yard—canals thirty-five feet wide, eight to ten feet deep.

The annual cost of running the six proposed pumping engines would not exceed $98,000 per annum, including fuel, engineers, firemen, etc.

605 In my opinion, a thorough system of open drains, with adequate machinery capable of draining the proposed inclosed area of 26,026 acres, should not exceed in cost $3,000,000.

Considerable reduction of area might be made by adopting the Metairie Ridge as the rear limit of drainage, the estimate of which system I have not been able to prepare yet.

Upon examination of the report on the proposed system of drainage of the first draining district by Major G. T. Beauregard, then chief engineer of said district, I find he estimates the cost of reclaiming per acre at $98.93, but proposes a levee along the lake shore entirely inadequate to protect the lands. Accepting his estimate as to the cost of reclaiming one acre, this would place the cost of draining 26,026 acres at $2,574,752.

The proposed area to be enclosed between the ridge and lake would be about 7,218 acres. Accompanying this report (for which so short a time has been allowed) find sketches of proposed canals, profiles of levees, and plat of inclosed area; also report on drainage by General Beauregard and two contracts for excavating canals.

All of which is respectfully submitted.

W. H. BELL,
City Surveyor.

70. *Ordinance No.* 814.

MAYORALTY OF NEW ORLEANS,
CITY HALL, *April 27th*, 1871.

(No. 814, administration series.)

606 An ordinance to provide for the more efficient drainage of the city of New Orleans and environs and their protection from inundation.

Whereas by the provisions of act No. 30 of the session of 1871 of the Legislature of Louisiana it is made mandatory upon the council of the city of New Orleans to provide on the part of the city for an extensive system of drainage, to lay out the lines and fix the loca-

tion and dimensions of certain canals and levees, and in various ways to recognize the claims and accounts of and to make settlements with the Mississippi and Mexican Gulf Canal Company in performing the excavation of such canals and the building of levees; and

Whereas the council of the city deems certain portions of said bill to put in question the right of the city to the proper control of its drainage system and its right voluntarily to contract for the work and agree upon a price for the same, and does not recognize the validity or constitutionality of the said act in certain of its parts; yet, convinced of the importance of an effective drainage system, of the desire of the public for its accomplishment without further delay, and satisfied of the capacity and readiness of the said company to perform the work required by the city, it is deemed proper by the council aforesaid to ordain as follows:

SECTION 1. Be it ordained by the council of the city of New Orleans, That all matters appertaining to drainage and the protection of the city from inundation be placed under the immediate charge of the administrator of improvements, aided by the city surveyor.

607 SEC. 2. Be it further ordained, etc., That the mayor and administrator of finance shall be associated with the administrator of improvements as a standing committee on drainage, to act until the further pleasure of the council.

It shall be the duty of said committee to prepare a plan of work to be entered upon immediately and to report to the council at its first meeting after the adoption of this ordinance what canals and levees or extensions of present canals and levees are most urgently required; and upon the approval of the same by the council the the administrator of improvements shall authorize the Mississippi and Mexican Gulf Canal Company to enter upon the performance of the said work under his direction.

SEC. 3. Be it further ordained, etc., That the city expressly declares and notifies the Mississippi and Mexican Gulf Canal Company that it does not waive its right freely to contract for the work of excavating the canals and erecting the levees required with the said company or any other party, as may hereafter appear to the best advantage of the city, and that the directing or allowing the said company to enter upon and perform any portion of the said work laid down is not to be considered as supplying them exclusive right to its performance or completion or continuing the same further or otherwise than during the pleasure of the council. The said company is further notified that such work, and no other, as shall be performed with the consent and approval of the council will be settled for as hereinafter provided.

1. The surveyor shall measure and certify the dimensions of all the canals and levees now existing along the line of the
608 works entered upon so far as the same may form part of the canals and levees to be constructed, the same to be allowed for by the company in deduction of their measurements of work performed and completed.

2. The canal work shall be measured and certified monthly; the levee work shall be measured and certified monthly so far as the same shall have been shaped and completed and sufficiently dried for the passage thereon of vehicles, it being the intention hereof that the levee shall have the full dimensions required after being dried and ready for use, and all payments shall be based upon measurements made of them in that condition.

3. The earth removed from the canals and not required for levees shall be the property of the city and disposed of as the city may deem proper.

4. The city shall issue warrants for the payment of the work as required by the act of the Legislature, and in case of non-realization or non-collection of assets provided for therein, the same to bear eight per cent. per annum interest, the said warrants to be issued with the understanding, to be inscribed therein or indorsed thereon, that they shall not be enforceable by suit and judgment, but if not paid within one year out of the proceeds of the draining tax and assets they shall be fundable in bonds of the city, bearing eight per cent. interest, payable semi-annually, having ten years to run, and with due provision for retiring the same and securing the punctual payment of interest and gradual extinction of the principal.

The city shall have power to sell said bonds or give the same in payment of the work performed, but no sale or exchange
609 shall be made at a price less than eighty cents on the dollar, exclusive of interest, and any holder of any fundable warrant, after thirty days' notice, if not paid in money, may demand bonds for the same at eighty cents on the dollar.

5. The payments, certifications, and warrants issued to the said company shall be based upon and computed according to the measurement made as aforesaid.

SEC. 4. Be it further ordained, etc., That nothing in this ordinance relating to canals and levees shall be so construed as to imply that the earth taken from a canal and placed upon its banks shall constitute a levee, but only such deposits as the committee may decide to be necessary for levee purposes shall be paid for.

SEC. 5. Be it further ordained, etc., That the city expressly reserves the right at any time hereafter to contest at law or otherwise the constitutionality or validity of act No. 30 of the legislative session of 1871 or any portion thereof, and notifies the Mississippi and Mexican Gulf Canal Company accordingly.

Adopted by the council of the city of New Orleans April 21, 1871, the veto of the mayor to the contrary notwithstanding.

Yeas—Cockram, Shaw, Delassise, Remick, Bonzano.

Nays—Lewis, Walton.

A true copy.

H. CONQUEST CLARK, *Secretary.*

71. *Deposition, J. O. Noyes, Jan'y* 15, '72.

610 Extract from record supreme court of Louisiana, page 131, No. 4338.

STATE OF LOUISIANA:

Seventh District Court for the Parish of Orleans.

No. 9189.

In the matter of the commissioners of the first draining district, praying, etc.

JANUARY 15TH, 1872.

J. O. NOYES, sworn for the petitioners, says:

I am general superintendent and manager of the Mexican Gulf Ship Canal Co.

The company is engaged in doing work of draining under the statute of 1871 under contract with the city of New Orleans.

We are working under an ordinance of the city accepted by the Co. We accepted the terms of ordinance 814. This is the ordinance under which we act.

We are strictly acting under direction of the administrator of improvements and the city surveyor.

(By the COURT:) The company has accepted by going to work under the ordinance.

(By COUNSEL:) The company has also accepted the terms of the act of the Legislature by a notarial act.

72 & 73. *Ordinances Nos.* 820, 944.

611 MAYORALTY OF NEW ORLEANS,
CITY HALL, *May* 4, 1871.

(No. 820, administration series.)

Be it ordained, That the Mississippi and Mexican Gulf Canal Company is hereby authorized to commence the following-named work, subject to the terms and conditions or ordinance No. 814, administration series:

1. Clearing Hagan-avenue canal to a depth of twelve feet; excavating a tail-race canal to connect with Orleans street tail race, and widening and deepening Orleans tail race through the City park.

2. Excavating Fourteenth-street canal through Metairie Ridge, with protection levee on upper side.

3. Widening and deepening Marigny canal from Bayou St. John to Elysian Fields street.

Adopted by the council of the city of New Orleans May 2, 1871.

Yeas—Cockrem, Shaw, Delassize, Lewis, Walton, Bonzano.

BENJ. F. FLANDERS, *Mayor.*

A true copy.

H. CONQUEST CLARK, *Secretary.*

MAYORALTY OF NEW ORLEANS,
CITY HALL, *June* 29, 1871.

(No. 944, administration series.)

612 Resolved, That the drainage committee prepare a plan for the construction of a protection levee on or near the lake shore, which, after being approved by the council, shall be the guide for the contractor and surveyor, under the direction of the administrator of improvements, in the execution of the work.

Adopted by the council of the city of New Orleans June 28, 1871.

Yeas—Cockrem, Shaw, Delassize, Remick, Lewis, Bonzano.

BENJ. F. FLANDERS, *Mayor.*

A true copy.

H. CONQUEST CLARK, *Secretary.*

Cockrem's Report, Adopted, and Ordinance No. 954—74 *and* 75.

Extract from proceedings of the city council (printed), page 171, under date of July 18, 1871.

Mr. Cockrem presented the following report:

NEW ORLEANS, *July* 18, 1871.

To the council of New Orleans:

The following plan is respectfully submitted for the approval of the council as the most practical and permanent one for the commencement of a lake-shore protection levee, viz:

Commencing at Upper Line protection levee, extending in the lake to a depth of not over one foot of water at low tide, running in a westerly (easterly) direction to the New canal; also commenc-
613 ing at Pontchartrain railroad, in the same depth of water, running in a westerly (easterly) direction to proposed Lower Line protection levee, being a distance of about two thousand feet.

JOHN COCKREM,
Administrator of Improvements, Member of Drainage Committee.

Cockrem moved the approval of the report and called for the yeas and nays upon it.

The motion to adopt the above report was carried.

Yeas—Bonzano, Lewis, Remick, Shaw, and Cockrem—5.

Nays—Walton and Delassize—2.

MAYORALTY OF NEW ORLEANS,
CITY HALL, *July* 12, 1871.

(No. 954, administration series.)

An ordinance to provive for the settlement of the claims of C. Roselius and Alfred Philips.

Whereas among the assets turned over to the city by the late acting draining commissioners of the second draining district are

three judgments against the city of New Orleans, amounting together to $123,279.65, with interest on the same to be added thereto—say $40,682.25; and

Whereas among the assets turned over to this city by the late acting draining commissioners of the first draining district is a judgment against the city of New Orleans for $19,962.40, with interest to be added—say $5,788.75 and

614 Whereas the attorneys of said commissioners, C. Roselius and Alfred Phillips, are by law entitled to ten per cent. of said judgments and interest:

Be it ordained by the council of the city of New Orleans, That said claims be settled by the issue of certificates under ordinance No. 882, administration series.

Adopted by the council of the city of New Orleans July 5, 1871.

Yeas—Cockrem, Shaw, Dellassize, Remick, Lewis, Walton, Bonzano.

BENJ. F. FLANDERS, *Mayor.*

A true copy.

H. CONQUEST CLARK, *Secretary.*

76. *Ordinance* 1252.

MAYORALTY OF NEW ORLEANS,
CITY HALL, *December* 13, 1871.

(No. 1252, administration series.)

Resolved, That the city attorney take such legal steps as may be necessary to cause the immediate expropriation of such land and property as may be necessary for the proposed drainage canal from Galvez street to Carrollton avenue, running parallel to the New canal, at a width of one hundred feet from the New canal or State property.

Adopted by the council of the city of New Orleans December 12, 1871.

Yeas—Cockram, Shaw, Delassize, Remick, Lewis, Walton, Bonzano.

615 BENJ. F. FLANDERS, *Mayor.*

A true copy.

H. CONQUEST CLARK, *Secretary.*

77. *Ordinance* 1362.

MAYORALTY OF NEW ORLEANS,
CITY HALL, *February* 16, 1872.

(No. 1362, administration series.)

Ordinance amending ordinance No. 820, administration series.

Be it ordained, That paragraphs one, two, and three of ordinance No. 820, administration series, adopted May 2, 1871, be amended and interpreted so as to read as follows:

First paragraph to read—

Excavating a tail race from Hagan avenue to Orleans street; widening, deepening, and extending Orleans tail race from Bayou St. John to Lake Pontchartrain; excavating the canal parallel to the New canal—authorized by ordinance No. 1250, administration series—and cleaning out and deepening the Hagan, Carrollton, Broad, and Galvez streets canals.

Second paragraph to read—

Excavating the Upper Line canal near the old Carrollton railroad and parallel with the same, with protection levee on the upper side.

Third paragraph to read—

Widening and deepening Marigny canal from Bayou St. John to Elysian Fields street; widening and deepening the London-
616 avenue canal from Broad street to the draining machine; widening and deepening Broad-street canal from Marigny canal to the line of trees on said canal, and widening and deepening St. Bernard-avenue canal from Broad street to Claiborne street.

Provided the council reserves the right to stop any portion of the foregoing work at any point of its progress.

Adopted by the council of the city of New Orleans February 10, 1872.

Yeas—Cockram, Shaw, Delassize, Remick, Lewis, Walton, Bonzano.

BENJ. F. FLANDERS, *Mayor.*

A true copy.

H. CONQUEST CLARK, *Secretary.*

78. *Ordinance No.* 1374.

MAYORALTY OF NEW ORLEANS,
CITY HALL, *February* 24, 1872.

(No. 1374, administration series.)

An ordinance concerning a drainage canal on Poydras street from Galvez street to Carrollton avenue and in relation to the earth excavated of this and other canals.

SECTION 1. Be it ordained by the council of the city of New Orleans, That the contemplated drainage canal on the northeast side of the New canal, as adopted in the proceeding of October,
617 1871, be so located that the said — be dug out of the middle of Poydra sstreet, commencing at Galvez street, to Carrollton avenue, the earth excavated to be thrown on the lower side of Poydras street.

SEC. 2. Be it further ordained, etc., That the earth excavated from said canal and all other drainage canals between the New canal and Canal Carondelet be used to fill up the Canal-street canal and, secondly, in grading to a proper level the streets between said canals.

Adopted by the council of the city of New Orleans February 20, 1872.

Yeas—Cockrem, Shaw, Delassize, Remick, Lewis, Walton, Bonzano.

BENJ. F. FLANDERS, *Mayor.*

A true copy.
H. CONQUEST CLARK, *Secretary.*

79, 80, & 81. *Ordinances* 1504, 1507, 1563.

MAYORALTY OF NEW ORLEANS,
CITY HALL, *May* 8, 1872.

(No. 1504, administration series.)

An ordinance to carry into effect the city funding bill and provide for the issue of bonds of the new consolidated debt.

618 SECTION 1. Be it ordained by the council of the city of New Orleans, That the mayor and administrator of finance cause to be engraved and prepared for signature and issue bonds of the new consolidated debt of New Orleans, as authorized by act of the Legislature of Louisiana No. 73, approved April 26, 1872.

SEC. 2. Be it further ordained, etc., That bonds issued for excavations and levees required by act No. 30 of 1871 or by the drainage laws previously enacted shall be of the denomination of $1,000 and shall be marked "drainage series," and all funds received from drainage assessments and not required for the payment of drainage warrants shall be devoted to the purchase of bonds of the drainage series according to law.

SEC. 3. Be it further ordained, etc., That the bonds shall be signed by the mayor and administrator of finance and delivered by the latter upon the warrant of the administrator of public accounts. The administrator of finance shall make report to the administrator of public accounts of the bonds issued, with a statement of the coupons that may have been detached from the bonds delivered upon the aforesaid warrants, which coupons shall be cancelled and stamped "not issued" and posted in their proper places in the books kept for that purpose in the department of public accounts.

Adopted by the council of the city of New Orleans May 7, 1872.
Yeas—Cockrem, Shaw, Lewis, Walton, Bonzano.

BENJ. F. FLANDERS, *Mayor.*

A true copy.
H. CONQUEST CLARKE, *Secretary.*

619 MAYORALTY OF NEW ORLEANS,
CITY HALL, *May* 9, 1872.

(No. 1507, administration series.)

An ordinance providing for the settlement of the Mexican Gulf warrants.

Be it ordained by the council of the city of New Orleans, That the mayor and administrator of finance be authorized to settle for all

drainage warrants outstanding in bonds of the new consolidated debt, drainage series, according to section thirteen of the city funding act, at the rate for said bonds of ninety cents on the dollar, and to issue certificates redeemable in the same.

Adopted by the council of the city of New Orleans April 30, 1872.

Yeas—Cockrem, Shaw, Lewis, Walton, Bonzano.

BENJ. F. FLANDERS, *Mayor.*

A true copy.

H. CONQUEST CLARKE, *Secretary.*

MAYORALTY OF NEW ORLEANS,
CITY HALL, *June* 11, 1872.

(No. 1563, administration series.)

An ordinance relative to drainage warrants and debts.

Be it ordained by the council of the city of New Orleans, That the mayor and administrator of finance be authorized to issue
620 new consolidated bonds, drainage series, at rates for said bonds not less than ninety cents on the dollar for all warrants and claims approved by ordinance of the city or referred to the mayor and administrator of finance and found correct by them and authorized by act No. 30 of 1871 to be paid out of drainage assets.

Adopted by the council of the city of New Orleans June 11, 1872.

Yeas—Cockrem, Shaw, Delassize, Remick, Lewis, Walton, Bonzano.

BENJ. F. FLANDERS, *Mayor.*

A true copy.

H. CONQUEST CLARKE, *Secretary.*

82. *Ordinance No.* 2678.

MAYORALTY OF NEW ORLEANS,
CITY HALL, *July* 8, 1874.

(No. 2678, administration series.)

Resolved, That the administrator of finance issue on the administrator of public accounts to C. S. Hunt & Co. new consolidated bonds, drainage series, at the rate of ninety cents on the dollar, for the sum of $4,985, in full and final settlement for a drainage pump, boiler, and fixtures to be erected at the Bienville draining machine, in complete running order, in accordance with direction
621 of the city surveyor.

Adopted by the council of the city of New Orleans July 7, 1874.

Yeas—Brewster, Calhoun, Fitzenreeter, Lewis, Schneider, Strucken, Turnbull.

LEWIS A. WILTZ, *Mayor.*

A true copy.

DANIEL SCULLY, *Secretary.*

83. *Ordinance No.* 2640.

MAYORALTY OF NEW ORLEANS,
CITY HALL, *June* 10, 1874.

(No. 2640, administration series.)

Resolved, That the proposal of P. & R. De Verges for furnishing and delivering one flat-boat load of Pittsburgh coal, for use at the various draining machines, according to specifications on file in the office of the city surveyor, to be delivered from time to time as may be needed, on requisition from the administrator of improvements, at the rate of $11.25 per ton, payable in new consolidated bonds, drainage series, to be issued at the rate of ninety cents on the dollar, and offering good and solvent security, satisfactory to the mayor and administrator of improvements, in the sum of $5,000, be, and the same is hereby, accepted and the mayor authorized to
622 enter into contract on behalf of the city, before the city notary, with said P. & R. De Verges for the faithful performance of said contract.

Adopted by the council of the city of New Orleans June 9, 1874.

LEWIS A. WILTZ, *Mayor.*

A true copy.

DANIEL SCULLY, *Secretary.*

84. *Thirteen Certain Extracts of Sale of Land Purchased by City of New Orleans for the Digging, Deepening, and Widening of the Orleans Street Draining Canal.*

By act passed before A. Hero, Jr., N. P., dated 29 July, 1872, Pierre Mercere, of this city, sold unto the city of New Orleans, herein represented by its mayor, B. F. Flanders, of this city, all and singular the following-described property, requisite and expropriated for the digging, deepening, and widening of the Orleans street draining canal and the establishment of a street or road on each side of Orleans St. canal, viz:

Two pieces or portions of ground, with the improvements thereon, rights, way, &c., situated in 2d dist., and being part of several tracts of land designated by Nos. 2 and 3 on a plan deposited in office of E. G. Gottschalk, late N. P., as plan No. 18. Said portion taken from said tract No. 2 measures 54′ 0″ 6‴ in width on a line parallel with St. Ann and St. Peter Sts. and 209 11 4 in
623 length on a line running obliquely and crossing Scott St. bet. St. Ann and St. Peter Sts., forming the greater part of the intersection of Scott and Orleans Sts., and the aforesaid portion taken from said tract No. 3 measures 111 11 6‴ in width on a line par'l with St. Ann and St. Peter Sts. and 209 11 4 in length on a line running obliquely bet. St. Ann and St. Peter Sts., and being part of the intersection of Orleans & Pierce Sts.; both of said portions of ground are embraced principally in the area comprised within

St. Ann, St. Peter, Scott, and Pierce Sts. A small portion of each, extending respectively over and form- part of the Sts. styled Scott and Pierce Sts., are the same expropriated by the city of New Orleans for Orleans St. and a canal, as delineated on a plan of same and other property, made by Pilie and Murrey under date of Sept. 13, 1869, a copy of which, *is* signed by the parties hereto and the undersigned notary — witnesses, is deposited in this office as plan No. 34.

Acquired 28 March, 1859.

This sale is made for $2,100.00, payable in new consolidated gold bonds of the city of New Orleans, and for which vendor has this day received four warrants on the administrator of finance of said city of New Orleans for the delivery of such bonds to the aforesaid amount— one thereof, No. 444, gen'l series, for $755.56; another, No. 445, gen'l series, for $188.89; another, No. 93, drainage series, for $924.45, and another, No. 94, drainage series, for $231.10.

New Orleans, Aug't 6, 1872.

(Signed) C. B. FISH, *D'y R.*

Registered in Book 101, p. 474, Aug. 6, 1872.

624 By act passed before A. Hero, Jr., N. P., dated 23 Dec., 1872' Bernard Saulay, of this city, herein acting as the duly authorized agent and attorney-in-fact of John B. Bacas, also of this city, under and by virtue of an act of procuration executed by said Bacas in his favor before Daniel N. Richards, late N. P., representing James Graham, a N. P., dated 30 June, 1859, which said Saulay declared in his said capacity he has sold unto the city of New Orleans, herein represented by its mayor, the Hon. Louis A. Wiltz, of this city, all and singular the following-described property, requisite and expropriated for the digging, deepening, and widening of the Orleans St. draining canal and the establishment of a street or road on each side thereof, viz:

A certain piece or portion of ground, with all the rights, ways, privileges, and appurtenances thereto belonging, situate in the 2 dist. of this city, in square comprised within Solomon, St. David, St. Ann, and Orleans Sts., and measuring in A. M. 73′ 5″ 11‴ front on St David St. by a depth and front on Orleans St. of 34′ 8″, and a depth on the opposite line of 79′ 2″, with a width in its rear on an oblique line of 85′ 7″ 6‴, the whole as per sketch annexed to an act passed before me, notary, on the 31 Oct., 1872, and also in conformity to a plan of the same and other property made by Pilie & Murray, dated 13th Sept., 1869, and deposited in office of said notary as plan No. 34.

Acquired March 3, 1859.

This sale was made for $277.77, payable in street-improvement bonds of the city of New Orleans, series 2, of date of the 1st Aug.,
625 1872, for which bonds said Saulay received a proper warrant on the administrator of finance of said city for the delivery

of such bonds to aforesaid amount, and with which said warrant he declared himself fully paid.

New Orleans, Dec. 30th, 1872.

(Signed) C. B. FISH, *D'y R.*

Registered Dec. 30, 1872, in Book 101, p. 604.

By act passed before A. Hero, Jr., N. P., dated 29 July, 1872, Mrs. Gertrude Durand, widow of the late Jean Penisgeur, dec'd; 2nd, Pierie Penisgeur, herein acting for himself individually and also as agent and att'y-in-fact for Guillonette Preussigur, wife of Pierre Duprat, of this city, now in France; 3rd, M. Gabrielle Celine, widow of the late Picheloup, dec'd; 4th, Mrs. Marie Penssigur, widow of the late Jean Jacques Bordes, dec'd, sold unto the city of New Orleans, herein represented by its mayor, Hon. B. F. Flanders, the following-described property, requisite for the digging, deepening, and widening of the Orleans St. draining canal for a street on each side of Orleans St. canal, viz:

A piece of ground, with the rights, ways, &c., situated in 2nd dist., within square embraced between St. Peter, St. Ann, Scott, and Pierce Sts., measuring 223′ 11″ 4‴ in length on a line paral. with St. Ann and St. Peter by 209′ 11″ 4‴ in width on oblique side lines running across said square, a small portion of which said piece of ground extends over and forms part of the intersection of Scott St. with
626 said proposed Orleans St., and the whole as per plan of same and other property made by Pilie and Murray, dated Sept. 1869, a copy of which, signed by the parties hereto and the undersigned N. P. and witnesses, is deposited in this office.

Acquired half 4th Jan'y, 1849, and registered in Book 46, fol. 301, by J. Puissegeur.

Acquired 7 Jan'y, 1857; registered in Book 102, fol. 528, by J. Puissguer.

This sale was made for $1,664.44, payable in new consolidated gold bonds of the city of N. Orleans, for which said vendors rec'd four warrants on the administrator of finance of said city for delivery of such bonds to the aforesaid amount, one thereof, No. 446, general series, being for $888.89; another, No. 447, gen'l series, for $222.22; another, No. 101, drainage series, for $442.67, and the other, No. 102, drainage series, for $110.66.

New Orleans, Aug. 2, 1872.

(Signed) C. B. FISH, *D'y R.*

Registered in Book 102, p. 458, on Aug. 2, 1872.

By act passed before A. Hero, Jr., N. P., dated 8th November, 1872. George Merz, of this city, sold unto the city of New Orleans, herein represented by its mayor, B. F. Flanders, all and singular the following-described property, requisite and expropriated for the digging, deepening, and widening of the Orleans street drainage canal and the establishment of a street or road on each side of Orleans street canal, viz:

627 A piece or portion of ground, with the improvements thereon, rights, ways, &c., situated in the 2nd dist., embraced within the area between Bayou St. John, Telemachus, St. Ann, and St. Peter Sts., and measuring about 192 feet on Bayou St. John by 328′ in depth on the side line nearest St. Peter St., — in depth on the side line nearest St. Ann street, and 209′ 3″ in width on its near line. Said portion of ground is situated at a distance of about 115 from each side of said St. Ann — St. Peter Sts., the whole as per plan of same and other property made by Pilie & Murray, under date of 13 Sept., 1869, a copy of which, signed by the parties hereto and the undersigned notary and witnesses, is deposited in this office as plan No. 34.

Acquired 25th Feb'y, 1864, and registered in Book 87, fo. 638.

See lease, registered in B. 99, fol. 333, of the Magnolia Garden, at $150 per mo. from 1st Feb'y, 1871, for an unlimited time.

This sale is made for $3,540, payable in street-improvement bonds of the city of New Orleans, series 2, of date 1st Aug., 1871, payable forty years after date, bearing $7\frac{3}{100}$ int. per annum, said int. being payable semi-annually on 1st February and August of each year. Mrs. Mary Ann Pappen, wife of vendor, renounced *to* all her rights herein.

New Orleans, Nov. 12th, 1872.

C. B. FISH, *D'y R.*

Registered in Book 100, p. 563, Nov. 12, 1872.

628 By act passed before A. Hero, Jr., dated 29th July, 1872, 1, Mrs. Emille Lasen, wid. of John O'Brien, dec'd; 2d, Ebuile J. O'Brien; 3rd, Miss Cora Elizabeth O'Brien, and, 4th, Richard M. O'Brien, the authorized agent and att'y-in-fact of Patrick B. O'Brien, of this city, sold unto the city of New Orleans, herein represented by its mayor, B. F. Flanders, all and singular the following-described property, requisite and expropriated for the digging, deepening, and widening of the Orleans St. canal draining and the establishment of a street or road on each side of Orleans St. canal, viz:

A certain piece or portion of ground, with all rights, ways, &c., situated in 2nd dist., in square bounded by St. Ann, Orleans, Olympia, and Murat Sts., measuring A. M. 314′ 4″ 6‴ front on Orleans St. by 73′ 5″ 1‴ in depth bet. par'l lines and front on each Olympia and Murat Sts., as per plan of same and other property made by Pilie and Murray, dated 13 Sept., 1869, a copy of which is signed by the parties hereto and the undersigned notary and witnesses — deposited in this office as plan 34.

Acquired by J. O'Brien the 3rd April, 1861, registered in B. 86, folio 155. This sale is made for $2,277.77, payable in new consolidated gold bonds of the city of New Orleans, for which they have this day received four warrants on the administrator of finance of said city of New Orleans for the delivery of such bonds to aforesaid amount, one thereof, No. 434, gen'l series, being for $1,333.33; another, No. 435, gen'l series, for $333.33; another, No. 83, drainage series, for $488.89, and another, No. 84, drainage series, for $122.22,

and with which said warrants they declare themselves fully satisfied and paid.

New Orleans, Aug. 29, 1872.

(Signed) C. B. FISH, *D'y R.*

Recorded Aug. 29, 1872, in Book 100, p. 499.

629 By act passed before A. Hero, Jr., N. P., dated 29 July, 1872, John Dennis, of this city, sold unto the city of New Orleans, herein represented by its mayor, B. F. Flanders, all and singular the following-described property, requisite and expropriated for the digging, deepening, and widening of the Orleans St. draining canal and the establishment of a street or road on each side of said Orleans St. canal:

A piece or portion of ground, with all rights, ways, &c., situated in 2nd dist. of this city beyond Contez St. and between lands belonging to P. Lamarque and Pierre Marcere, as also between St. Peter St. & St. Ann St., measuring 223′ 9″ in width on a line par'l with St. Ann St. and St. Peter, extending in depth on oblique side lines 209 11″ 4‴, and containing an area of 40,276.94 super'l feet, the whole as per plan of same and other property made by Pilie and Murray, dated Sept., 1869, a copy of which, signed by the parties hereto and the undersigned notary and witnesses, *and* is deposited in this office as plan No. 34, which portion of ground comprises parts of several tracts of land Nos. 4 and 5 on a plan by J. Tanesse, dated Sept. 18, 1813, and annexed to an act passed before P. Pedeschaux, then N. P., on Oct. 13, 1813.

Acquired lot 5 from J. E. Vignie per act before T. Perry, late N. P., on 5th May, 1860, and lot No. 4 from F. Labatut by act before F. O. Slack, N. P., on March 21, 1859, and registered in B. 76, fol. 619, and P. 82, fol. 168.

This sale was made for $2,653.33, payable in consolidated gold bonds of the city of New Orleans, and for which vendor has this day received four warrants on the administrator of finance of said
630 city for the delivery of such bonds to the aforesaid amount, one whereof, No. 430, gen'l series, being for $888.89; another, No. 431, gen'l series, for $222.22; another, No. 78, drainage series, for $1,233.78, and another, No. 79, drainage series, being for $308.44. The said J. Dennis declared that in consideration of said amount he does release and forever discharge the city of New Orleans of and from all actions, suits, debts, damages, claims, and demands whatever which he ever had or now has or may have against the city of New Orleans arising out of or concerning the digging, deepening, and widening of said Orleans St. draining canal or the appropriation and expropriation of lands for said canal and the establishment of a street or road on each side of said canal, and binding himself and heirs to acknowledge the validity of this release, and also to discontinue at his own cost any and all suits that have or may have been instituted against the city of New Orleans relative thereto.

New Orleans, Aug. 21st, 1872.

(Signed) C. B. FISH, *D'y R.*

45—1234

Recorded in conveyance office on the above 21 Aug., 1872, in Book 100, page 492.

By act, dated May 10, 1873, James Edward Read, of this city, herein acting in his capacity of attorney-in-fact of Alfred Holt, of Liverpool, Eng., and by virtue of the annexed procuration, dated 28 Jan'y, 1871, sold unto the city of New Orleans, herein represented by its mayor, Hon. Louis A. Wiltz, of this city—

631 A piece or portion of ground, with the improvements thereon, rights, ways, &c., situate in the 2nd dist. of this city within the area embraced between St. Ann, St. Peter, Genois, and Scott Sts., and commencing at a distance of 328 from Bayou St. John on the side nearest St. Peter St. and of 380 from the said bayou on the side line nearest St. Ann St., and running thence towards the Metairie road between side lines parallel with said St. Ann and St. Peter Sts., the said portion of ground measures 490, more or less, in length and has a width of 210, more or less, on side lines running obliquely between said St. Ann & St. Peter Sts. Said portion of ground is equidistant from said St. Ann and St. Peter Sts. and is colored yellow and fully delineated on a plan of the same and other property made by Pilie and Murray, dated 13th Sept., 1869, whereof a copy is deposited in this office as plan 34. It comprises the rear of several tracts of land numbered 1 and 2 on a plan made by J. Tannese, dated 18 Sept., 1813, and annexed to an act passed before P. Pedeschaux, late N. P., dated 13th Oct., 1813.

Acquired April 26th, 1859, and registered in B'k 79, fol. 5.

The sale is made for $4,888.88, payable in street-improvement bonds of the city of New Orleans, series 2, of date of the 1st Aug., 1871, payable forty years after date, with $7\frac{3}{10}$ — int. per annum, said interest being payable semi-annually on the 1st Feb'y and Aug. of each year, and which bonds said Read acknowledged to have received and declares his said constituent to be satisfied and paid.

New Orleans, May 14, 1873.

(Signed) C. B. FISH, *D'y R.*

Registered in Book 100, p. 754, May 14, 1873.

632 By act passed before A. Hero, Jr., N. P., dated 2 Nov., 1872, Edward J. McPherson, of this city, president of the Society for the Relief of Destitute Orphan Boys, a duly incorporated charitable institution of this city and State, and herein acting in its behalf, sold unto the city of New Orleans, herein represented by its mayor, Benj. F. Flanders, of this city, all and singular the following-described property, requisite and expropriated for the digging, deepening, and widening of the Orleans-St. draining canal and the establishment of a street or road on each side of said Orleans-St. canal, viz:

A piece or portion of ground, with all rights, ways, &c., situated in the 2nd dist. of this city within the area embraced between Scott, St. David, St. Ann, and St. Peter Sts., comprising nearly all of the proposed intersection of Orleans St. and Carrollton Ave. and being part of tracts of land designated by Nos. 4, 5, & 6 on a plan drawn

by C. F. Zimple, dated 24th Feb'y, 1834, and deposited in the office of L. Ferand, a N. P., at that time, which piece or portion of ground is situated at a distance of about 115 from St. Ann St., as well as from St. Peter St., and measures 335 11″ 3‴ in width on lines par'l with St. Ann — St. Peter Sts. and 209′ 11″ 4‴ in length on side lines running obliquely between St. Ann and St. Peter Sts., and more fully delineated on a plan of same and other property made by Pilie and Murray, dated 13 Sept., 1869, a copy of which is signed by the parties hereto and undersigned and witnesses and deposited in this office as plan 34.

Acquired 3 Aug., 1835; title not found registered, supposed to be in lost Book No. 17, which includes that year.

633 This sale is made for $3,361, payable in street-improvement bonds of the city of New Orleans, series 2, of date the 1st Aug't, 1871, payable forty years after date, bearing $7\frac{3}{10}$ per cent. int. per annum, said int. being payable semi-annually on 1st Feb'y and Aug. of each year, and with which said bonds he declares himself paid.

New Orleans, Nov. 6, 1872.

(Signed) C. B. FISH, *D'y R.*

Registered in Book 102, p. —, on Nov. 6, 1872.

By act passed before A. Hero, Jr., N. P., dated 31 Oct., 1872, Henry M. Hyams, Sr., herein acting as authorized agent and att'y-in-fact of Isaac Smith Hyams, of the parish of Grant, La., sold unto the city of New Orleans, herein represented by its mayor, B. F. Flanders, of this city, all and singular the following-described property, requisite and expropriated for the digging, deepening, and widening of the Orleans St. draining canal and the establishment of a street or road on each side thereof, viz:

A piece or portion of ground, together with all rights, ways, &c., belonging, situated in 2nd dist., in square comprised within St. Ann, Orleans, Solomon, and St. David Sts., and measuring in A. M. 73 5″ 1‴ front on Solomon St., 85′ 7″ 6‴ in rear in oblique line dividing it from property of J. B. Baecas, by a depth of 285 0 6 fronting Orleans St. and 240 6 6 deep on the opposite side line, the whole as per plan of same and other property by Pilie and Murray, dated

634 13 Sept., 1869, a copy of which, signed by the parties hereto and undersigned notary and witnesses, *and* is deposited in this office as plan No. 34.

Acquired 4 May, 1866.

This sale was made for $1,283.33, payable in street-improvement bonds of the city of New Orleans, series 2, of date of 1st Aug., 1871, payable forty years after date, bearing $7\frac{3}{8}$ per cent. — per annum, payable semi-annually on 1st of Febr'y and Aug. of each year, for which bonds said Hyams has received a proper warrant on administrator of finance.

New Orleans, Nov. 5th, 1872.

(Signed) C. B. FISH, *D'y R.*

Unto the city of New Orleans, herein represented by its mayor, B. F. Flanders, of this city, all and singular the following-described property, requisite and expropriated for the digging, deepening, and widening of Orleans street draining canal and the establishment of a street or road on each side of Orleans St. canal:

A piece or portion of ground, together with all rights, ways, &c., situate in 2d dist., in square comprised within St. Ann, Orleans, Napoleon, and Alexander Sts., measuring in A. M. 73′ 5″ 1‴ front on Alexander St. by 314′ 4″ 6‴ in depth and front on Orleans St., bet. par'l lines extending to Napoleon St., on which it has a front of 73′ 5″ 1‴, the whole as per plan of same and other property made and deposited as above recited.

Acquired 18 March, 1870.

635 This sale is made for $2,055.56, payable in street-improvement bonds of the city of New Orleans, series 2, of date of Aug., 1871, payable forty years after date, bearing $7\frac{3}{10}$ per cent. int. per annum, said interest payable semi-annually on 1st Feb'y and Aug. of each year, for which bonds said Hyams has rec'd a proper warrant on the administrator of finance.

New Orleans. Nov. 5, 1872.

(Signed) C. B. FISH, *D'y R.*

Registered in Book 102, folio 562, Nov. 5, 1872.

By act passed before A. Hero, Jr., N. P., dated 28 Sept., 1872, Jacob Weilbenner sold unto the city of New Orleans, herein represented by B. F. Flanders, mayor of said city, the following-described property expropriated for the digging, deepening, and widening of Orleans St. draining canal and the establishment of a street or road on each side of Orleans St. canal, viz:

A piece or portion of ground, with all rights, ways, &c., in 2d dist., in square comprised within Orleans St., Ann, Alexander, and Murat Sts. *in* and measuring in A. M. 73′ 5″ 1‴ front on Murat St. by 251′ 6″ 1‴ in depth and front on Orleans St. between par'l lines. Said portion of ground forms corner of Murat and Orleans St., *and* per plan of same and other property made by Pilie and Murray, dated 13th Sept., 1869, a copy of which is signed by the parties hereto and the undersigned N. P. and witnesses and is deposited in this office as plan No. 34. Said portion of ground comprises part of several lots Nos. 12 to 19, inclusive, of square No. 48, in Faubourg Jackson.

Acquired 7 June, 1866, and registered in B. 89, fol. 616.
12 Aug., 1861, " B. 85, " 82.

636 This sale is made for $2,179.99 in new consolidated gold bonds of the city of New Orleans, and for which he has received four warrants on administrator of finance of said city of New Orleans for the delivery of said bonds to the aforesaid amount—one thereof, No. 436, gen'l series, for $1,111.11; another, No. 437, gen'l series, for $277.77; another thereof, No. 85, drainage series, for $632.89; another, No. 86, drainage series, for $1,582.22.

New Orleans, Oct. 2, 1872.

(S'g'd) C. B. FISH, *D'y R.*

Registered in Book 102, p. 572, Oct. 2, 1872.

By act passed before A. Hero, Jr., N. P., dated 29 July, 1872, Pierre Cauleron, of this city, herein acting as agent and att'y-in-fact of Jean Casamagon, also of this city, sold unto the city of New Orleans, herein represented by B. F. Flanders, mayor of said city, all and singular the following-described property, required for the widening and deepening of the Orleans St. canal and for a street or road on each side of Orleans St. canal:

A certain piece or portion of ground, with all rights, ways, &c., situated in 2 dist., in square comprised within Orleans, Solomon, St. Ann, and Napoleon Sts., measuring in A. M. 73′ 5″ 1‴ front on Napoleon St. by 319′ 8″ 6‴ in depth and front on Orleans St. between par'l lines extending to Solomon St., on which it has a front of 73′ 5″ 1‴, the whole as per a plan of same and other property made by Pilie and Murray under date of 13 of Sept., 1869, a copy of which, signed by the parties hereto and the undersigned notary
637 and witnesses, is deposited in this office as plan No. 34, which portion of ground comprises part of lots one to six of said square.

Acquired 16 April, 1871, and registered in B. 83, fol. 668.
29 June, 1859, 80, 273.

This sale is made for $2,571.22, payable in new consolidated gold bonds of the city of New Orleans, and for which said Caularon has this day rec'd four warrants on the administrator of finance of said city for the delivery of such bonds to the aforesaid amount—one thereof, No. 440, gen'l series, for $1,777.78; another, No. 441, gen'l series, for $444.44; another, No. 89, drainage series, for $280, and the other, No. 90, drainage series, for $70.00.

New Orleans, August 2, 1872.

(Signed) C. B. FISK, *D'y R.*

Registered in Book 102, p. 460, Aug. 2, 1872.

By act passed before A. Hero, Jr., N. P., dated 29 July, 1872, Bernard Larrabere, of this city, herein acting as agent and attorney-in-fact of Jean Marie Sauce, also of this city, but now in France, sold unto the city of New Orleans, herein represented by B. F. Flanders, mayor of said city, all and singular the following-described property, requisite for the digging, widening, and deepening the Orleans-street canal and for a street or road on each side of Orleans-St. canal, viz:

A certain piece or portion of ground, with all rights, ways, &c., situated in 2d dist., in proposed islet comprised within Carrollton Ave., Orleans, St. David, and St. Ann Sts., and measures in A. M. 55′ 11″ 7‴ front on Orleans-St. draining canal, the same
638 width in the rear by 85′ 7″ 6‴ in depth on side lines running in an oblique direction, the whole as per plan of same and other property made by Pilie & Murray under date of Sept. 13, 1869, a copy of which, signed by the parties hereto and the undersigned notary and witnesses, is deposited in this office as plan No. 34.

Acquired 7 May, 1861, and registered in Book 85, fol. 2.

This sale was made for $2,988.88, payable in new consolidated

gold bonds of the city of New Orleans, and for which said Larrabere has this day received four warrants on the administrator of finance of said city for the delivery of such bonds to the aforesaid amount—one thereof, No. 442, gen'l series, for $2,000; another, No. 443, gen'l series, for $500; another, No. 91, drainage series, for $431; the other, No. 92, drainage series, for $57.77.

New Orleans, Aug. 2, 1872.

(S'g'd) C. B. FISH, *D'y R.*

Registered in Book 602, p. 460, Aug. 2, 1872.

By act passed before A. Hero, Jr., N. P., dated 29 July, 1872, Mrs. Marie Peuissgur, widow of the late Jean Jacques Bordes, late of this city, deceased, and Alex. Bordes, both of this city, sold unto the city of New Orleans, herein represented by the mayor, Hon. B. F. Flanders, of this city, all and singular the following-described property, required for the digging, deepening, and widening of the Orleans-St. draining canal and the establishment of a street or road on each side of Orleans-St. canal:

A certain piece or portion of ground, with all rights, ways, &c., situated in 2nd dist., in square comprised within St. David, Carrollton Ave., Orleans and St. Ann Sts., and measuring in A. M.
639 73′ 3″ 1‴ front on St. David St., 192′ 0″ 1‴ in depth and front on Orleans St., 147′ 6″ 11‴ in depth on the opposite side line, and 85′ 7″ 6‴ in width in the rear, the whole as per plan of same and other property made by Pilie and Murray under date of Sept. 13, 1869, a copy of which, signed by the parties hereto and the undersigned N. P. and witnesses, is deposited in this office as plan No. 34.

Acquired 3 March, 1859; not registered.

This sale was made for $4,511.10, payable in new consolidated bonds of the city of New Orleans, and for which said vendors have this day rec'd four warrants of the administrator of finance of said city for the delivery of said bonds to the aforesaid amount—one, No. 432, gen'l series, for $311.11; another, No. 433, gen'l series, for $777.77; another, No. 81, drainage series, for $497.78, and another, *for* 82, drainage series, for $124.44.

New Orleans, Aug. 2, 1872.

C. B. FISH, *D'y R.*

Registered in Book 102, p. 458, Aug. 2, 1872.

By act passed before A. Hero, Jr., N. P., dated 29 July, 1872, Pierre Cauteron, of this city, sold unto the city of New Orleans, herein represented by B. F. Flanders, mayor of said city, all and singular the following-described property, required for the digging, deepening, and widening of the Orleans St. draining canal and the establishment of a street or road on each side of Orleans St. canal, viz:

A certain piece or portion of ground, with all rights, ways,
640 &c., situated in the 2nd dist., in square comprised within Orleans, St. Ann, Alexander, and Murat Sts., measuring in

A. M. 62′ 10″ 5‴ front on Orleans St. by 73′ 5″ 11‴ in depth and front on Alexander St. bet. par'l lines, the whole as per plan of same and other property made by Pilie and Murray under date of Sept. 13, 1869, a copy of which is signed by the parties hereto and undersigned notary and witnesses, and is deposited in this office as plan No. 34, and which said portion of ground comprises parts of lots 10 & 11, of square No. 48, in Faub'g Jackson.

Acquired 23d Nov. and registered in B. 90, fo. 136.

This sale is made for $2,226.44, payable in new consolidated gold bonds of the city of New Orleans, and for which vendor rec'd four warrants on the administrator of finance of said city of New Orleans for the delivery of such bonds to the aforesaid amount due thereof, No. 438, gen'l series, being for $400; another thereof, No. 439, gen'l series, for $100.00; another, No. 87, drainage series, for $1,381.16, and the other, No. 88, drainage series, for $345.28.

New Orleans, Aug. 2, 1872.

C. B. FISK, *D'y R.*

Registered in Book 102, August 2, 1872, p. 459.

85. *Eleven Certain Extracts of Sale of Land Purchased by the City of New Orleans for the Digging, Deepening, and Widening the Poydras Street Canal.*

641 By act passed before A. Hero, Jr., N. P., dated 11 Nov., 1872, Raymond Pochelu, of this city, sold unto the city of New Orleans, herein represented by its mayor, B. F. Flanders, of this city, all and singular the following-described property requisite and expropriated for the digging, deepening, and widening of the Poydras street draining canal, viz:

A piece of ground with all rights, ways, &c., situated in 1st dist. in islet comprised within Julia or Poydras, Salcedo, Perdido, and Lopez Sts., being islet or square No. 650, which portion of ground measures 100′ feet front on Lopez St. by 203′ 9″ 6‴ in depth and front on Julia or Poydras St., extending through to Salcedo St., on which it fronts 100′, the whole as per sketch signed by the parties hereto and me, notary, and hereto annexed.

Acquired 30 Nov., 1868, and registered in Book 95, fol. 315.

This sale was made for $2,500, payable in new consolidated gold bonds of the city of New Orleans, and for which he has this day received three warrants numbered 219 and 220 of $1,000 and 221 of $500, all drainage series, on administrator of finance of said city of New Orleans for the delivery of such bonds of the aforesaid amount.

NEW ORLEANS, *Nov.* 14, 1872.

Unto the same and expropriated for same purpose and more fully described in foregoing act.

A square of ground with all rights, ways, &c., situated in same district and designated by No. 675, which is bounded by Poydras or Julia, Rendon, & Perdido Sts. and Hagan Ave., which same meas-

ures 308′ 2″ 5‴ front on Julia or Poydras St., 206′ 9″ 2‴ front on Rendon St., 312′ 0″ 11‴ front on Perdido St., and 142′ 4″ 7‴
642 on Hagan Ave. Acquired 30 Nov., 1868, and registered in Book 95, folio 515.

This sale was made for $5,000, payable in new consolidated gold bonds of the city of New Orleans, and for which said vendor has received this day five warrants, 214, 215, 216, 217, and 218, drainage series, each for the sum of $1,000, on the administrator of finance of said city of New Orleans for the delivery of such bonds to the aforesaid amount.

NEW ORLEANS, *Nov.* 14, 1872.

Hoyle & Chadwick to the city of New Orleans.

Unto same and expropriated for same purpose and more fully described in the two foregoing acts.

A piece of ground with all rights, ways, &c., situated in the 1st district islet, comprised within Julia or Poydras St., Cortez, Scott (late St. John), and Gravier Sts., measuring in A. M. 100 feet front on Cortez St. by 319′ 10″ in depth and front on Julia or Poydras St., extending through to Scott St., on which it fronts 100″, the whole as per sketch hereto annexed.

Which above-described property forms part of square 10, bounded by the aforesaid streets.

Acquired at U. S. marshal's sale on 7th June, 1865, in suit of U. S. *vs.* The Property of John Slidell, No. 7688 of the docket of the district court of the U. States, and registered in Book B 89, folio 166.

643 This sale is made for $1,666.66, payable in new consolidated gold bonds of the city of New Orleans, for which said vendor has this day received two warrants on the administrator of finance of said city of New Orleans, numbered 200 and 201, drainage series, of $833.33 each, for the delivery of such bonds to the aforesaid amount of $1,666.66.

New Orleans, Nov. 14, 1872.

(Signed) C. B. FISH, *D'y R.*

Registered in Book 102, p. 570 and 571, Nov. 14, 1872.

W. A. Bienvenu to city of New Orleans.

Unto the same and expropriated for the purpose as more fully described in the three preceding acts:

A lot of ground with all rights, ways, &c., situated in 1st — in square No. 666, which is bounded by Julia or Poydras, Perdido, Lopez, and Rendon Sts., on a plan drawn by Castanrig & Cellas, dated 20 March, 1866, deposited in the office of A. E. Bienvenu, N. P.; said lot is designated by No. 1, measuring in A. M. 30′ 9″ 15‴ front on Julia or Poydras St., 140′ 0″ 4‴ deep and front on Lopez St., 136′ 10″ 3‴ on the division line of lot 2, and 30′ 11″ 16‴ in width in the rear; said lot forms corner Julia or Poydras and Lopez St.

Acquired 10 May, 1871, and registered in Book B 100, fol. 56.

This sale is made for $333.33, payable in new consolidated
644 gold bonds of the city of New Orleans, for which said vendor has this day received warrant No. 227, drainage series, dated 7th inst. Signed by B. F. Flanders, mayor, J. S. Walton, administrator of finance, and A. Shaw, administrator of pub. acts, directing the issue of such bonds to that amount.

New Orleans, Nov. 14, 1872.

(Signed) C. B. FISH, *D'y R.*

Registered in Book 102, p. 571, Nov. 14, 1872.

T. Prudhome to New Orleans.

By act passed before A. Hero, Jr., N. P., dated 13th Nov., 1872: Theophilus Prudhome, of the city, sold unto the city of New Orleans, herein represented by its mayor, the Hon. B. F. Flanders, acting in behalf of said city, all and singular the following-described property requisite and expropriated for the digging, deepening, and widening of the Poydras street draining canal, viz., a piece or portion of ground with all rights, ways, &c., situated in 1st dist. in islet comprised within Julia and Poydras, Scott (late St. John), Pierce, and Gravier St., and designated as islet No. 747, measuring in A. M. 100 front on Scott St. by 319′ 10″ in depth, and front on Julia or Poydras St., extending through to Pierce St. on which it fronts 100′; the whole as per sketch of same and other property signed by the parties hereto and the undersigned notary and witnesses, and
645 annexed to an act passed this day in the office. Said Pierce St. was formerly styled St. James St.

Acquired 28th April, 1862.

This sale was made for $1,666.67 *dollars*, payable in new consolidated gold bonds of the city of New Orleans, and for which said vendor has this day received two warrants on the administrator of finance of said city of New Orleans for the delivery of such bonds, one thereof, No. 179, drainage series, for $1,000 and the other thereof, No. 198, drainage series, for the sum of $666.67.

New Orleans, Nov. 15, 1872.

(Signed) C. B. FISH, *D'y R.*

Registered in Book 100, p. 566, Nov. 15, 1872.

Wm. Hart to New Orleans.

By act passed before A. Hero, Jr., N. P., dated 17 December, 1872, William Hart, of this city, sold unto the city of New Orleans, herein represented by its mayor, the Hon. Louis A. Wiltz, acting in behalf of said city, all and singular the following-described property requisite and expropriated for the digging, deepening, and widening of the Poydras street draining canal, in the 1st dist. of this city, viz:

A certain piece or portion of ground, together with the improvements thereon, and all the rights, ways, privileges, &c., thereunto belonging or in anywise appertaining, situate in the 1st dist.
646 of this city, in the square bounded by Poydras, Gayoso, Dupre,

& Perdido Sts., forming the corner of Gayoso & Poydras Sts., and measuring, more or less, 85 front on Gayoso St., 144′ in depth and front on Poydras St., 140 in depth on the side line nearest Perdido St., and 85 in width on the rear line nearest Dupre St., the whole as per sketch of the same and other property, and annexed to an act passed before the said notary, dated 11 Nov., 1872. Said portion of ground is comprised of the greater portion of lots Nos. 6 to 10, inclusive, of square 624, on a plan drawn by Castanig and Celles, dated 20th March, 1866, and deposited in the office of A. E. Bienvenue, N. P.

Acquired June 18, 1866. Title registered in Book 89, folio 651.

This sale is made for $2,415, payable in new consolidated gold bonds of the city of New Orleans, and for which said vendor has this day received 3 warrants, drainage series, numbered, respectively, 230 and 231, of $1,000 each, and 232 for 415, on the administrator of finance of said city of New Orleans, for the delivery of said bonds.

New Orleans, January 4, 1873.

(Signed) C. B. FISH, *D'y R.*

Registered in Book 100, p. 607, Jan'y 4, 1873.

By act passed before A. Hero, Jr., N. P., dated 13 Nov., 1872, John Henry Keller sold unto the city of New Orleans, herein represented by its mayor, the Hon. B. F. Flanders, all and singular the following described property requisite and expropriated for the
647 digging, deepening, and widening of the Poydras St. draining canal, viz:

A piece or portion of ground, together with all rights, ways, &c., situated in the 1st dist., in square No. 716, comprised within Perdido, Julia or Poydras, Telemachus, Genois, and Gravier Sts., and measuring 100 front on Telemachus St., 277 in depth on the side line nearest Gravier St., running through to Genois St. 249 6 4 in depth, and front on Julia or Poydras St.; thence 28 2″ in depth and front on Perdido St. and extending to Genois St., on which it has a front of about 95, the whole, as per sketch of same, and other property signed by the parties hereto and me, notary, and annexed to an act passed this day at this office.

Acquired from Succ. Hy. J. Ramsey, by act passed before M. Gernon, N. P., on 29 Jan'y, 1866.

This sale was made for $2,222.24, payable in new consolidated gold bonds of the city of New Orleans, and for which said vendor has this day received three warrants of the administrator of finance of said city for the delivery of such bonds to the aforesaid amounts, one thereof, No. 206, drainage series, being for the sum of $222.22 *dollars*, and the other two, Nos. 204 & 205, also drainage series, being for the sum of $1,000 each.

New Orleans, Nov. 19, 1872.

(Signed) C. B. FISH, *D'y R.*

Registered in Book 102, p. 572, Nov. 19, 1872.

By act passed before A. Hero, Jr., N. P., dated 18 Nov., 1872, John

Orsin Lavillebeuvre, of the city of New Orleans, — herein
648 represented by its mayor, B. F. Flanders, of this city, all and singular the following-described property requisite and expropriated for the digging, deepening, and widening of the Poydras St. draining canal, viz:

All that certain square or islet of ground of a triangular form, together with all rights, ways, &c., situated in 1st. dist. of this city, No. 692 on the city plan, and bounded by Julia, Perdido, Hagan Ave., and Clark Sts. Said square is designated by No. 3 and divided into three lots, numbered 1, 2, and 3 on a lithographic sketch annexed to an act passed before O. H. Perry, late N. P., on 20 April, 1850, and measures, more or less, 67 6 10 front on Hagan Ave., 10′ 7″ front on Clark St., 281′ 6″ 7‴ in depth and front on Perdido St., and 277′ 2″ 1‴ in depth and front on Julia St. Said vendor also transferred all rights and interest he may have in and to all increase of admeasurement shown on said lithographic sketch.

2d. All that certain portion of ground, with all rights, ways, &c., situated in 1st. dist., in square bounded by Perdido, Hagan Ave., Gravier & Clark Sts., which is numbered 691 on city plan and designated by No. 2 on the above-mentioned lithographic sketch; which said portion of ground — more or less, 18′ front on Clark St. by a depth of 77′ bet. side lines converging to a point and forms the corner of said Clark and Perdido Sts., the whole as per sketch of said square 691 signed by the parties hereto and the undersigned notary and witnesses, and annexed to an act passed before the undersigned notary on 15th present month.

Acquired the 15 May, 1850, registered in Book 49, fo. 541.

This sale was made for $3,488.88, payable in new consoli-
649 dated gold bonds of the city of New Orleans, and for which said vendor has this day received four warrants on the administrator of finance of said city of New Orleans for the delivery of such bonds to the aforesaid amount, three thereof, Nos. 207, 208, and 209, drainage series, being for $1,000 each, and the other thereof, No. 210, drainage series, being for $488.89.

New Orleans, Nov. 27th, 1872.

(Signed) C. B. FISH, *D'y R.*

Registered in Book 102, p. 581 and 582, Nov. 27, 1872.

By act passed before A. Hero, N. P., dated 29 July, 1872, Duncan F. Kenner, of this city, sold unto the city of New Orleans, herein represented by the mayor, Hon. B. F. Flanders, all and singular the following-described property requisite and expropriated for the digging, deepening, and widening of the New Poydras St. draining canal and the establishment of a street or road along said canal:

Two certain pieces or portions of ground, together with all rights, ways, &c., situated in 1st dist., one thereof being in square comprised within Poydras or Julia, Gayoso, Perdido, and Salcedo Sts. and comprising the whole of the front of said square. On Poydras St. the same measures 285′ 5″ 3‴ front on Poydras St. by a depth and front on each of Gayoso and Salcedo Sts. of 100′ bet. parallel lines,

and the other portion of ground being in square embraced within Poydras or Julia, Clark, Genois, and Gravier Sts. and meas-
650 uring 281′ 6″ 7‴ front on Poydras St., 277′ 2″ 1‴ in width in the rear, by a depth and front on Genois St. of 72′, more or less, and a depth and front on Clark St. of 20′, more or less; all relative to which will more fully appear on annexed plan. Acquired 25 May, 1867, and registered in Book 92, fol. 583.

31 1870, and 96, 731.

This sale was made for $8,333.33, payable in new consolidated gold bonds, New Orleans, and for which he has this day rec'd warrant No. 103, drainage series, on the administrator of finance of said city of New Orleans for the delivery of such bonds unto said Kenner to the aforesaid amount of $8,333.33 upon the same being issued, with which said warrant he declares himself satisfied, and hereby releases and forever discharges said city from all actions, suits, debts, damages, claims, and demands whatsoever which said Kenner ever had or may have against said city arising from the deepening or widening of the Poydras St. draining canal in 1st dist., and also obligating himself to discontinue at his own cost all suits which he individually or with others may have instituted against said city of New Orleans for damages arising from the construction of said New Poydras St. draining canal.

New Orleans, Aug. 17, 1872.

(Signed) C. B. FISH, *D'y R.*

Registered in Book 102, p. 490, Aug. 17, 1872.

By act passed before A. Hero, Jr., N. P., dated March 27, 1873, Mrs. Ann Bryant, widow of John Griggs, of this city, sold unto the city of New Orleans, herein represented by its mayor, Louis
651 A. Wiltz, of this city, all and singular the following-described property requisite and expropriated for digging, deepening, and widening of the Poydras St. canal, 1st dist.:

A piece or portion of ground, with the improvements thereon and all rights, ways, &c., situate in the 1st dist. of this city, in square bounded by Poydras or Julia, Gayoso, Perdido, and Dupre Sts., and measuring more or less A. M. 28′ 9″ 5‴ front on Poydras St. by 30 deep on line nearest to Dupre St. and 33 deep on line nearest Gayoso St., on a sketch annexed to an act passed in this office, dated 11, Nov. 1st past; said portion of ground comprises the following front on Poydras St., of lot 3 of square 624, on a plan made by Castanig and Celles, dated March 20th, 1866, and deposited in office of A. E. Bienvenue, N. P.

Acquired 18 July, 1867; registered in B'k 93, fo. 332.

This sale is made for $222.22, payable in new consolidated gold bonds of the city of New Orleans, and for which she has received this day warrant No. 234, drainage series, on the administrator of finance of said city of New Orleans for the delivery of such bonds to the aforesaid amount, with which warrant she declares herself fully paid.

New Orleans, March 31st, 1873.

(Signed) C. B. FISH, *D'y R.*

Registered March 21, 1873, in Book 101, p. 700.

By act passed before A. Hero, Jr., N. P., dated Nov. 16, 1872, Henry Schneider, of this city, sold unto the city of New Orleans, herein represented by its mayor, the Hon. B. F. Flanders, of
652 this city, all and singular the following-described property requisite and expropriated for the digging, deepening, and widening of the Poydras street draining canal, viz:

A piece or portion of ground, with all rights — ways thereunto belonging, situated in 1st dist., in square No. 724, comprised within Julia & Poydras, Telemachus, Gravier, and Cortez Sts., and measuring 100′ front on Telemachus St., 277′ 2″ 1‴ in depth on the side line nearest Gravier St., running through to Cortez St. 277′ 2″ 1‴ in depth and front on Poydras or Julia St. and 100′ front on Cortez St., the whole as per sketch of the same and other property signed by the parties hereto and me, notary, and annexed to an act passed on 11th inst. in this office.

Acquired 6 April, 1866, and registered in Book 89, fol. 536.

This sale was made for $1,666.66, payable in new consolidated gold bonds of the city of New Orleans, and for which said vendor rec'd two warrants on the administrator of finance of said city for delivery of such bonds to aforesaid amount, one thereof, No. 202, drainage series, being for $1,000.00, and the other thereof, drainage series, being No. 203, for $686.66.

New Orleans, Nov. 22, 1872.

(Signed) C. B. FISH, *D'y R.*

Registered in Book 101, p. 572, Nov. 22, 1872.

By act passed passed before A. Hero, Jr., dated Nov. 15, 1872, Francois Lacroix, of this city, sold unto the city of New Orleans, herein represented by its mayor, B. F. Flanders, of this city,
653 all and singular the following-described property requisite and expropriated for digging, deepening, and widening of the Poydras St. draining canal, viz:

A piece or portion of ground with all the rights, ways, and privileges thereunto belonging, situate in 1st dist. of this city, in square 666, comprised within Julia or Poydras, Rendon, Perdido, and Lopez Sts., forming the corner of Julia or Poydras St. and Rendon St., and measuring 100 front on Rendon St. by 278 10.5 deep, and front on Julia or Poydras St., the whole as per sketch annexed in the margin hereof; said portion of ground comprised the greater portion of lots 2 to 10, inclusive, of said square.

Acquired June 30, 1868.

This sale is made for $3,000, payable in new gold bonds of the city of New Orleans, for which he has received this day 3 warrants, Nos. 224, 225, and 226, drainage series, each for $1,000 on the administrator of finance of said city for the delivery of such bonds of the aforesaid amounts, and with which warrants the said Lacroix declares himself fully satisfied and paid.

New Orleans, Feb'y 10, 1873.

(Signed) C. B. FISH, *D'y R.*

Registered Feb'y 10, 1873, in Book 101, p. 640.

By act passed before A. Hero, Jr., N. P., dated Feb'y 20, 1873, Henry Bonseigneur, of this city, sold unto the city of New Orleans, herein represented by its mayor, Hon. Louis A. Wiltz, of this city, all and singular the following described property requisite and expropriated for digging, widening, and deepening of the Poydras St. draining canal in the 1st dist. of this city, viz:

654 A portion of ground with improvements thereon, and all rights, ways, and privileges thereto belonging, situate in the 1st dist. of this city, in square bounded by Poydras or Julia, Dupre, Perdido, and White Sts., forming the corner of Poydras, Julia, Dupre Sts., and measuring more or less 12 front on Dupre St. by 25 deep, and front on Poydras St. and 42 in depth on side line nearest Perdido St. on converging side lines; the whole as per sketch annexed to an act passed in this office, dated Nov. 11, 1872; and the said portion of ground comprises nearly all the front on Poydras or Julia St. of the lots 9 and 10, in square 615, &c., a plan drawn by Castanig and Celles, dated 20 March, 1866. Acquired 20 Aug., 1867.

This sale is made for $666.67, payable in new consolidated gold bonds of the city of New Orleans, and for which he has this day received warrant No. 236, drainage series, on the administrator of finance of said city of New Orleans for the delivery of such bonds to the aforesaid amount, with which warrant he declares himself fully paid.

New Orleans, Feb'y 27, 1873.

(Signed) C. B. FISH, *D'y R.*

Registered in Book 101, p. 655 and 656.

By another act, dated February 24, 1873, Miss Cathaline McLean, of this city, sold unto the city of New Orleans, herein represented by its mayor, Louis A. Wiltz, of this city, a portion of ground with the improvements thereon, situate in the same dist., in square bounded by Poydras or Julia, Gayoso, Perdido, and Dupre

655 Sts., forming the corner of Poydras and Dupre Sts., and measuring more or less 25 front on Dupre St., 58 deep, and front on Poydras St., 57 deep on side line nearest Perdido St., and 30 wide in the rear line nearest Gayoso St., as per aforesaid annexed sketch; said portion of ground comprises the entire front on Poydras St. of lots 1 and 2, in square 624, on aforesaid plan of Castanig and Celles.

Acquired 22 May, 1872.

This sale is made for $322.22, payable in new consolidated gold bonds of the city of New Orleans, and for which she has received this day warrant No. 235, drainage series, on the administrator of finance of aforesaid city for the delivery of such bonds to the aforesaid amount, with which warrant she declares herself fully paid.

New Orleans, Feb'y 27, 1873.

(Signed) C. B. FISH, *D'y R.*

Registered Feb'y 27, 1873, in Book 101, p. 656.

By act passed before A. Hero, Jr., N. P., dated Feb'y 26, 1873,

Martha J. Nugent, of this city, sold unto the city of New Orleans, herein represented by its mayor, L. A. Wiltz, of this city, the following-described property requisite and expropriated for the digging, deepening, and widening of the Poydras Draining canal in the first district of this city, viz:

A piece or portion of ground, with the improvements thereon, and all rights, ways, &c., situate in the 1st dist. of this city, in square bounded by Poydras or Julia, Dupre, Perdido, and Gayoso Sts., and measuring, more or less, 57′ 7″ 2‴ on Poydras or Julia St.
656 by a depth of 33 on the side line nearest Dupre St. and 50 on line nearest Gayoso St., the whole as per sketch of the same and other property annexed to an act paseed before said notary dated 11 November last past, and the said portion of ground comprises the entire front on said Poydras or Julia St. of lots 4 and 5, in square 624, on a plan drawn by Castanig & Celles, dated 20 March, 1866, and deposited in office of A. E. Bienvenue, N. P.

Acquired 24 January, 1868, title registered in Book 93, folio 637.

This sale is made for $488.88, payable in new consolidated gold bonds of said city, and for which he has this day received warrant No. 233, drainage series, on the administrator of finance for the delivery of such bonds to the aforesaid amount, with which warrant he declares himself fully satisfied and paid.

New Orleans, March 4, 1873.

(Signed) C. B. FISH, *D'y R.*

Registered March 4, 1873, in Book 101, p. 658.

86. *Deposition of Warner Van Norden in Suit U. S. Ex Rel. Jas. W. Peake vs. City of N. O., and Exhibits Attached.*

Deposition of Warner Van Norden.

Circuit Court of the United States, Eastern District of Louisiana.

THE UNITED STATES *ex rel.* JAMES W. PEAKE
vs.
THE CITY OF NEW ORLEANS *et al.*

657 Deposition of Warner Van Norden, a witness in the above-entitled cause, produced, sworn, and examined by virtue of the annexed commission on the 13 and 14th days of February, A. D. 1888, at No. 23 Nassau street, in the city of New York, before me, Rufus McHaig, a commissioner of the State of Louisiana, residing in the city of New York, in a certain cause now pending in the United States circuit court for the eastern district of Louisiana between James W. Peake, plaintiff, and The City of New Orleans, defendant, on the part of relator.

1st Interrogatory. What is your name, age, residence, and business, and of what State are you a citizen, and how long have you resided in and been a citizen of said State?

Answer. My name is Warner Van Norden; I reside in the city of

New York, in the State of New York, and — a citizen thereof; am forty-six years of age; am an officer of a mining company whose office is at No. 23 Nassau street, in the city of New York. I have always resided in and been a citizen of the State of New York, except a few years, when I resided in Louisiana.

2 Int'y. What was your residence previous to your residing in said State of New York, if you do now reside in said State?

Answer. I was for several years prior to June, 1876, a citizen of Louisiana.

3 Int'y. Did you ever have any business relation or con-
658 nection with the Mississippi and Mexican Gulf Ship Canal Company of New Orleans, Louisiana; and, if yes, when, for how long a time, and what was that relation or connection?

Answer. I had business relations with said Mississippi and Mexican Gulf Ship Canal Company of Louisiana, beginning in 1871 and running to 1876, loaning them money and finally taking a tranfer of their contract with the city of New Orleans.

4th Int'y. If you state you were connected with the Mississippi and Mexican Gulf Ship Canal Company and were familiar with its business during the time of your connection therewith, please examine the two annexed forms of drainage warrants annexed to these interrogatories and marked, respectively, "A" and "B," and, if you know, state whether both or either of these forms of drainage warrant were used in issuing drainage warrants to said Mississippi and Mexican Gulf Ship Canal Company by the officers of the city of New Orleans, whose official capacities are therein stated, and, if you state that both forms of warrants were used, please state whether they were both used at the same time or at different times, and, if at different times, which was used first and for what said warrants were used.

Answer. I have examined the copies of warrants marked "A" and "B," respectively, and find them like those issued by the city of New Orleans for work done under act of the Legislature, No. 30, of 1871.

My first knowledge of these warrants was when Dr. J. O.
659 Noyes, the president of the said Mississippi and Mexican Gulf Ship Canal Company brought several of them to my banking office and asked a loan on them. I took the warrants to Mr. Jules Cassard and another banker whose name I have forgotten, and after consultation we decided to individually loan money to the company at a high rate of interest, each furnishing a portion of the money.

This transaction was repeated once or twice, when the amount becoming larger I investigated the origin of the warrants more carefully. I went to Mr. Alfred Shaw, administrator of public accounts, and Mr. John S. Walton, administrator of finance, both for the city of New Orleans.

They both assured me in the most positive terms that the warrants were good; that they had been issued for work actually done under a valid act of the Legislature, and that the warrants would probably be paid from the collection of drainage taxes which were pledged

for their payment, and which drainage taxes could not possibly be diverted, and that the amount of said taxes were very large, and that therefore this warrant was an exceptionally good security. In connection, I allude entirely to warrant marked "A." The said administrator furthermore assured me that should the tax collection be insufficient to liquidate the said warrants that after a year the city would issue eight per cent. bonds to pay said warrants, and that therefore in any case the warrants were good. I then visited the assistant city attorney, Mr. Rufus Waples, and he not only fully endorsed all that the said administrators told me regarding the warrants, but added strong expressions of confidence in said warrants, based on the information that he had and his knowl-
660 edge of the law and facts. At the time Mr. Waples had special charge of the drainage taxes and matters on behalf and as an officer of the city of New Orleans. It was furthermore agreed by the city that the warrants, if exchanged into bonds, should be at eighty cents on the dollar for the bonds or eight hundred dollars in warrants for one thousand dollars in bonds.

At this time, about June 1, 1871, the said Mississippi and Mexican Ship Canal Company was greatly in need of money. To relieve their embarrassment, and relying on the promise of the city to issue bonds as agreed, I raised at different times various sums of money, each time taking drainage warrants as security, until the company owed me a large sum. Up to the spring of 1872 the city of New Orleans issued but one form of warrant, known as the "white" warrant, being printed on white paper with black ink, and a copy of which is hereto annexed marked "A," referred to above, and issued in accordance with the terms of ordinance 814, administration series.

About the month of June, 1872, the city of New Orleans, having secured authority from the Legislature to issue bonds, changed the form of warrant and began to issue "red" warrants, so called because printed in red ink, and a copy of which is hereto annexed and marked "B."

All warrants issued thereafter were of the same kind above described as "red" warrants, except that after the transfer to me the words "W. Van Norden, transferee of the," were inserted before "Mississippi and Mexican Gulf Ship Canal Company," and possibly other verbal changes which I do not now remember, the sub-
661 stance being the same.

5th int'y. If you state the consideration of said warrants was the building of levees and the digging of canals by the Mississippi and Mexican Gulf Ship Canal Company, state which form was used first and for how long a time and when the change occurred in the form of warrants used, what was the cause of said change, and how long the form last used was used. State fully.

Answer. The consideration for the issue of all drainage warrants was work actually done and certified by the city surveyor except those issued in June, 1876, in payment of dredges, etc. The cause of the change from white ("A") to red warrants "B" was the enactment of act 73 of 1872 by the Legislature, which provided a uniform

gold bond to be issued by the city in liquidation of its floating debt, etc. Only this red warrant (B) was used thereafter.

6th int'y. State whether or not you ever had any drainage warrants issued in the form of either of the above forms funded into bonds of the city of New Orleans and, if yes, which form of warrant was so funded into bonds, and what were the kind of bonds so given for drainage warrants?

Answer. I have had, I think, all the warrants issued of both kinds. After the passage of act 73 of 1872, all the white warrants "A" were funded into gold bonds provided under said act at ninety cents on the dollar. These bonds which were sterling bonds
662 with favorable provisions for retirement, etc., and bearing gold interest, gold being then at a premium, being accepted in lieu of the eight per cent. bonds provided for in the warrant. After the "red" warrants were issued, that is, the kind marked "B," commencing about June, 1872, they were always exchanged for bonds at once till January 1st, 1875, when the city refused longer to comply with the terms of act 73 of 1872, and compelled us to hold the warrants till they should be liquidated by collections of taxes or till such time as the city might see fit to issue bonds. All the bonds — were received from the city of New Orleans in exchange for drainage warrants were of the same kind known as gold 7s, issued under section 13, act 73 of 1872, and marked "drainage series." On the 1st of January, 1875, every such warrant that had been issued in payment of work under act 30 of 1871, except such as had been liquidated by collections of drainage taxes, had been exchanged for said gold 7s at ninety cents on the dollar.

7th int'y. Please state upon what said drainage warrants were based, how they were issued, and what formalities were next gone through or required to have said drainage warrants funded into bonds.

Answer. When the work authorized under act 30 of 1871 and various city ordinances in compliance therewith had been performed always as directed by the administrator of improvements of the city of New Orleans, the city surveyor had the same carefully measured and he then certified to the department of improvements the amount of work done. The said department then issued
663 a certificate to the department of public accounts, at once the administrator of public accounts issued the drainage warrant which was an order on the department of finance. The warrants were paid at first to the company representative and afterwards to the transferee who presented them to the administrator of finance and requested that notice of such presentation and demand for payment be entered on the warrant itself which was done, this act fixing the date when interest should begin.

The warrant was then again taken by the holder to the department of finance, and the administrator of that department within a day or two issued bonds in exchange therefor at ninety cents on the dollar.

8th int'y. State anything else you may known in support of the

claims of plaintiff as fully and particularly as if thereunto specifically interrogated.

Answer. The work done under act No. 30 of 1871 was of great value to the city. It was thoroughly and well done. It required a large expenditure of money on the part of the company or its transferee. They were greatly inconvenienced and subjected to heavy loss by refusal of the city to issue bonds after January 1st, 1875, as required by sec. 13, act. 73, of 1872.

Neither myself, as transferee, or the Mississippi and Mexican Gulf Ship Canal Company ever abandoned the right to have warrants funded into drainage bonds. At the time of her refusal to issue more bonds the city promised to push the collection of
664 drainage taxes and so liquidate the warrants.

W. VAN NORDEN.

Subscribed and sworn to before me this 14th day of February, 1888, at the city of New York.

RUFUS K. McHAIG,
Commissioner for the State of Louisiana,
[L. S.] *New York City.*

Cross-interrogatories:

1st int'y. State in whose name the city of New Orleans issued the bonds which you or the Mississippi and Mexican Gulf Ship Canal Company received in exchange for drainage warrants.

Answer. Always to bearer.

2nd int'y. At what rate did you or said company take the bonds of the city in payment for drainage warrants?

Answer. At ninety cents on the dollars—that is, nine hundred dollars in warrants for one thousand dollars in bonds.

3rd int'y. What was the total face value of the bonds which you or said company received from the city of New Orleans in payment for drainage warrants?

665 Answer. I think about sixteen hundred thousand dollars, but I am not sure, as I have no data at hand to refer to.

4th int'y. What was the total face value of the drainage warrants which you and said company gave up in exchange for the bonds received from the city?

Answer. The same amount, less ten per cent.

5th int'y. Were not books kept showing the amount of drainage warrants issued to you or said company and the amount of bonds received by you or said company in payment for said warrants? If so, where are those books now?

Answer. Books were kept at the time showing all particulars. I do not know where these books are now; but all these matters were of record in the city hall and very carefully kept by Mr. Calhoun, first assistant and afterwards administrator of public accounts. A reference to the city books will disclose the exact figures and all details of the above transactions. Mr. Calhoun was an extremely methodical man, and all his office matters were conducted with the greatest care and exactness.

6th Int'y. Name the persons, banks, corporations, or companies or firms from whom you or the said Mississippi and Mexican Gulf Ship Canal Company borrowed money on pledge of drainage warrants.

666 Answer. Jules Cassard, Franke and Daunell, Patrick Irwin, J. J. Donaldson, Geo. G. Wilder, and many others; most of the loans made outsiders were on bonds, and on these nearly every bank or banker in New Orleans loaned money at different times, though many bonds were sold.

7th Int'y. Were you acquainted with Robert Shortridge, J. W. Pearce, Wm. E. Willett, and Leon Godchaux? If so, what were their business relations to you or the said Mississippi & Mexican Gulf Ship Canal Company from May, 1871, to July, 1876? Were they or any of them employed by you or by said company? If so, in what capacity were they employed? Do you know if they or any of them were ever sent to receive bonds from the city of New Orleans in exchange for drainage warrants?

Answer. They were all employed by me except Leon Godcheaux, who loaned money on pledge of warrants or bonds. They were employed as clerks, with the exception noted. They were probably sent to receive bonds at different times as messengers, though I have no special recollection thereof. When I said the bonds were issued to bearer I meant they so read, and although the city may have taken receipts from the messengers who presented warrants the bonds were technically issued to bearer and would have been given any one presenting a warrant.

W. VAN NORDEN.

Subscribed and sworn to before me this 14th day of Febru-
667 ary, 1888, at the city of New York.

[L. S.] RUFUS K. McHAIG,
Commissioner for the State of Louisiana, New York City.

I, Rufus K. McHaig, a commissioner for the State of Louisiana, residing in the city, county, and State of New York, do hereby certify that Warner Van Norden, the deponent, was by me sworn to declare the truth on the questions put to him in the causes above mentioned; that the interrogatories and cross-interrogatories were produced to him and his answers thereto taken in writing by me and subscribed by him in my presence on the days stated at No. 23 Nassau street, in the city of New York.

[L. S.] RUFUS K. McHAIG,
A Commissioner for the State of Louisiana,
No. 137 Broadway, New York City.

EXHIBIT "A."

No. —. DEPARTMENT OF PUBLIC ACCOUNTS,
$—. NEW ORLEANS, —— —, 187-.

Administrator of finance, city of New Orleans:

Pay to the order of the Mississippi and Mexican Gulf Ship Canal

Company — dollars out of any funds in the city treasury to the credit of said company.

This warrant, in case of the non-realization or non-collection of assets provided for under act No. 30, Legislature of Louisiana,
668 session of 1871, to bear eight per cent. per annum interest, and it is given and received with the understanding that it shall not be enforceable by suit and judgment, but if not paid within one year out of the proceeds of the drainage tax and assets it shall be fundable in bonds of the city, bearing eight per cent. per annum interest, payable semi-annually, having ten years to run, and with due provision for retiring the same and securing the punctual payment of interest and gradual extinction of the principal.

The city shall have power to sell said bonds or give the same in payment of the works performed, but no sale or exchange shall be made at a price less than eighty cents on the dollar, exclusive of interest, and any holder of any fundable warrant, after thirty days' notice, if not paid in money, may demand bonds for the same at eighty — on the dollar.

Charge act No. 30.

Legislature of Louisiana, session of 1871.

—— ——,

Administrator of Public Accounts.

EXHIBIT "B."

No. —. DEPARTMENT OF PUBLIC ACCOUNTS,
$—. NEW ORLEANS, —— —, 187-.

To the administrator of finance, city of New Orleans:

Pay to the order of W. Van Norden, transferee of the Mississippi and Mexican Gulf Ship Canal Company, — dollars
669 out of any funds in the city treasury to the credit of said company.

This warrant is issued in accordance with the provisions of act No. 30 of the session of the General Assembly of the State of Louisiana held in the year 1871, and the administrator of finance, on the presentation to him of this warrant, will pay the same in cash in case there be any funds in the city treasury to the credit of said Mississippi and Mexican Gulf Ship Canal Company; but should there not be sufficient funds to cash this warrant, then the administrator of finance is required to endorse upon the same the date of its presentation, and this warrant shall — interest at the rate of eight per cent. per annum from and after the date of such presentation and endorsement until paid.

Charge Mississippi — Mexican Gulf Ship Canal Company.

—— ——,

Administrator of Public Accounts.

Presented for payment —— —, 187-.

—— ——,

Administrator of Finance.

87. *Petition of Appeal of City of N. O., &c.*

Extract from transcript of supreme court Louisiana, No. 4338, page 113 and following of volume 2.

STATE OF LOUISIANA:

Third District Court of the Parish of Orleans.

670 No. 17028.

In the matter of the commissioners of the first draining district praying for the homologation of assessment-roll.

Petition of Appeal of the City of New Orleans. Filed October 3, 1863.

To the honorable the judges of the third district court of New Orleans:

The petition of the city of New Orleans (a corporation by the laws of Louisiana) respectfully shows that there is error to the prejudice of said city in the final judgment rendered in said case on the 11th of March, 1863, and signed March 17th, 1863, against said city for the sum of seventeen thousand four hundred and forty-two $\frac{29}{100}$ dollars and two thousand four hundred and thirty-one $\frac{94}{100}$ dollars, as appears from said judgment and tableau filed in said case, and that petitioner is desirious of taking a suspensive appeal in said case to the supreme court of the State.

Petitioner further shows that by law petitioner is exempt from giving bond and security in all judicial proceedings.

Wherefore, the premises considered, petitioner prays that a suspensive appeal be allowed said city in said case, returnable before the supreme court of the State of Louisiana, returnable according to law; that plaintiffs be cited, and for all equitable and general relief in the premises.

(Signed) J. MADISON DAY, *City Att'y.*

671 *Order for Appeal by City.*

A devolutive appeal is allowed in this case, returnable to the supreme court the first Monday of November next, the appellant being dispensed by law from giving bond in the sum of — dollars.

New Orleans, Oct. 3rd, 1863.

(Signed) J. S. WHITAKER,
Judge of the Second District Court,
Acting in the Absence of the Judge of this Court.

STATE OF LOUISIANA:

Third District Court for the Parish of Orleans.

No. 17028.

In the matter of the commissioners of the first draining district praying for the homologation of assessment-roll.

Citation served on plaintiffs through their president, G. Ingraham.

To the commissioners of the first draining district of New Orleans through their president, George Ingraham, Greeting:

Whereas the city of New Orleans has on the 3rd day of October, 1863, filed in the office of the clerk of the third district court of New Orleans a petition of appeal from a certain final judgment rendered in the said court against it, which appeal is returnable in the supreme court for the State aforesaid on the first Monday of November, 1863:

You are therefore cited to appear, in person or by attorney,
672 in said court on the day last aforesaid to answer to the said appeal.

Witness the Honorable Ezera Hiestand, judge of the court aforesaid, this third day of October, in the year of our Lord one thousand eight hundred and sixty-three.

(Signed) J. A. MERTAGH, *D'y Clerk.*

Sheriff's Return on Foregoing Citation.

Received October 6th, 1863, and on the same day, month, and year served a copy of the within citation and accompanying petition of appeal on the first district draining *company*, the plaintiffs herein, by personally handing the same to Geo. Ingraham, their president, whom by interrogation I know to be such.

Returned same day.

(Signed) H. NIXON, *D'y Sheriff.*

673 *Account of Work Done in the First Draining District by the Miss. and Mex. Gulf Ship Canal Company, as per Bill Book on File in the Office of the City Surveyor.*

Name of canal in which work was done.	Date.	Cubic yards.	Cost.
Bayou St. John	Up to July 1, '71	18,475	9,237 09
Do. do. & Orleans canal	" Aug. 1, '71	7,558	3,779 00
Orleans canal	" Sept. 1, '71	11,411	5,075 50
Do.	" Oct. 1, '71	14,613	7,306 50
Do.	" Nov. 1, '71	9,565	4,782 50
Do.	" Dec. 1, '71	14,544	7,272 00
Do.	" Jan'y 1, '72	24,907	12,453 50
Do.	" Feb'y 1, '72	28,820	14,410 00
Do.	" M'ch 1, '72	36,624	18,812 00
Do.	" Apr. 1, '72	39,530	19,765 00
Do.	" May 1, '72	39,098	19,549 00
Do.	" June 1, '72	49,230	24,615 00
Do.	" July 1, '72	39,892	19,946 00
Do.	" Aug. 1, '72	33,196	16,598 00
Do.	" Sept. 1, '72	28,264	14,132 00
Galvez, Orleans, Broad, & Poydras canal	" Oct. 1, '72	27,567	13,783 50
" " " Carr. ave. & Hagen Ave.	" Nov. 1, '72	27,728	13,864 00
" " " " "	" Dec. 1, '72	29,784	14,892 00
Orleans, Hagan, & Carrollton Ave.	" Jan'y 1, '73	26,076	13,038 00
" " Galvez, "	" Feb. 1, '73	27,867	13,933 50
" " Carrollton & Toulouse	" M'ch 1, '73	26,134	13,067 00
" " " "	" Apr. 1, '73	26,851	13,424 50
" " " "	" May 1, '73	21,246	10,623 00
" " " "	" June 1, '73	17,453	8,726 50
" " " "	" July 1, '73	10,278	5,139 00
" " " "	" Aug. 1, '73	11,131	5,565 50
Orleans canal	" Sept. 1, '73	7,812	3,906 00
Do.	" Oct. 1, '73	7,592	3,769 00
Do.	" Nov. 1, '73	6,741	3,370 50
Do.	" Dec. 1, '73	6,172	3,086 00
Do.	" Jan'y 1, '74	5,553	2,776 00
Do.	" Feb'y 1, '74	5,245	2,622 00
Do.	" Mar. 1, '74	4,936	2,468 00
Do.	" Apr. 1, '74	619	309 50
Do.	" May 1, '74	7,935	3,967 50
Do.	" June 1, '74	Extra grading.	2,300 00
Do.	" June 1, '74	6,200	3,100 00
Orleans avenue	" July 1, '74	Extra grading.	2,600 00
Do.	" July 1, '74	----do----	1,900 00
Bayou St. John	" Aug. 1, '74	2,230	1,115 00
	" Sept. 1, '74	2,311	1,155 50
Orleans Ave., grading	" Oct. 1, '74	4,870½	4,870 25
	" Oct. 1, '74	4,190	2,095 00
New canal work	" Nov. 1, '74	5,954	2,977 00
Spanish Fort	" Dec. 1, '75	2,019	1,009 50
Do.	" Jan'y 1, '75	900	450 00
Upper Line levee	" Jan'y 1, '75	4,224	4,224 00

674 *Amount of Work Done in the Second Draining District by the Miss. & Mex. Gulf Ship Canal Co., as per Bill Book on File in the Office of the City Surveyor.*

Name of canal in which work was done.	Date.	Cubic yards.	Cost.
Metarie road & 14th street	Up to Aug. 1, '71	4,574	2,287 00
Near lake at Jefferson & L. R. R.	" " "	3,968	1,984 00
In lake outside shore line	" " "	7,902	3,951 00
Metarie road & lake end	" Sept. 1, "	10,829	5,414 50
Upper drainage canal	" Oct. 1, "	18,767	9,383 50
Do. protection levee	" " "	19,947	7,480 12
Metarie road	" " "	11,755	4,408 12
Upper draining canal	" Nov. 1, "	21,605	10,802 50
Do. protection levee	" " "	11,824	4,434 00
Metarie road levee	" " "	4,482	1,680 75
Upper draining canal	" Dec. 1, "	14,817	7,408 50
Do. protection levee	" " "	6,703	2,516 62
Metarie road levee	" " "	4,410	1,653 75
Upper draining canal	" Jan'y 1, '72	11,760	5,880 00
Metarie road levee	" " "	2,398	891 75
Upper protection levee	" " "	5,859	2,197 12
Do. draining canal	" Feb. 1, '72	13,984	6,992 00
Metarie road levee	" " "	2,836	1,063 50
Do. protection levee	" " "	7,652	2,869 50
14th street canal	" M'ch 1, '72	17,765	8,882 50
14th do.	" " "	13,334	5,000 25
Do. line canal	" Apr. 1, '72	16,168	8,084 00
Do. protection levee	" " "	12,127	4,542 62
Do. line canal	" May 1, '72	17,696	8,848 00
Do. protection levee	" " "	13,272	4,977 00
Upper line canal	" June '72	17,619	8,809 50
Do. do.	" " "	13,213	4,954 87
Do. protection levee	" " "	3,296	420 00
Do. line canal	" " "	12,213	4,954 87
Protection levee	" " "	3,296	412 00
Do. line canal	" July 1, '72	15,977	7,888 50
Do. protection levee	" " "	11,981	4,492 87
Do. line canal	" Aug. 1, '72	16,726	8,363 00
Do. protection levee	" " "	12,545	4,704 37
Do. do.	" Sept. 1, '72	18,231	6,336 62
Do. line canal	" " "	24,829	12,414 50
Do. do.	" Oct. 1, '72	28,404	14,202 00
Do. " protection levee	" " "	20,102	7,538 25
Do. do. canal & lake shore	" Nov. 1, '72	13,935	6,967 50
Do. do. & Lake Shore levee	" " "	10,451	3,919 12
Do. do. do.	" Dec. 1, '72	10,913	5,456 50
Do. do. protection levee & L. S.	" " "	8,185	3,069 37
Do. do. & lake shore	" Jan'y 1, '73	19,901	9,950 50
Do. do. & do. protection levee	" " "	14,926	5,597 25
Do. do. & do. do. canals	" Feb'y 1, '73	17,304	8,652 00
Do. do. & do. protection levee	" " "	12,978	4,866 75
Do. do. & do. canal	" M'ch 1, '73	25,145	12,572 50
Do. do. do. levee	" " "	25,792	9,672 00
Do. do. do. canal	" Apr. 1, '73	23,488	11,744 00
Do. do. do. levee	" " "	19,208	7.203 00
675 Lake, Upper Line & Lake Shore canal.	" May 1, '72	16,209	8,104 50
Lake, Upper Line levee	" " "	13,867	5,200 00
Do. do. & 14th street	" June 1, '73	16,099	8,049 50
Do. do. levee	" " "	13,470	5,051 25
Do. do. canal	" July 1, '73	18,982	9,491 10

Amount of Work Done in the Second Draining District, &c.—Continued.

Name of canal in which work was done.	Date.	Cubic yards.	Cost.
Do. do. levee	Up to July 1, '73	12,838	4,814 25
Do. do. canal	" Aug. 1, '73	21,835	10,917 50
Do. do. & Lake Shore levee	" " "	19,009	7,128 37
Do. do. do. do. canals	" Sept. 1, '73	20,783	10,391 50
Do. do. do. do. levees	" " "	14,553	5,457 37
Do. do. do. do. canal	" Octo. —, '73	26,999	13,499 50
Do. do. do. do. levee	" " "	19,543	7,332 37
Do. do. do. do. canal	" Nov. 1, '73	23,622	11,811 00
Do. do. do. do. levees	" " "	17,696	6,637 00
Do. do. do. do. canal	" Dec. —, '73	15,903	7,951 50
Do. do. do. do. levee	" " "	11,077	4,153 87
Do. do. do. do. canals	" Jan'y 1, '74	9,812	4,906 00
Do. do. do. do. levee	" " "	6,807	2,552 62
Do. do. do. do. canal	" Feb'y 1, '74	16,318	8,159 00
Do. do. do. do. levee	" " "	15,006	5,627 25
Do. do. do. do. levee	" " 20,'74	52,875*	26,437 50†
Do. do. do. do. canal		305,082	152,541
Do. do. do. do. levee	" Dec. 15,'73	274,574‡	137,287 00⅔
Do. do. do. do. canal	" Mar. 5, '74	45,357	22,678 50
Do. do. do. do. do.	" Mar. 1, '74	22,540	11,270 00
Upper Line & Lake Shore levee	" Mar. —, '74	20,924	7,846 50
Do. do. canal	" Apr. 1, '74	20,413	10,206 50
Do. do. levees	" " "	16,364	6,136 50
	Grading.		2,700 00
Do. & Melpomene canal	" May 1, '74	23,190	11,595 00
Do. Lake Shore & 14th St. levees	" " "	6,959	2,609 62
	Grading.		1,800 00
Lake Shore levee	" May 19, '74	44,730	5,591 25
Upper Line do.	" " "	10,800	1,350 00
Do. do. do.	Ex. grading.		4,200 00
Lake Shore, Melpomene, & 14th St. canal	Up to June 1, '74	29,494	14,747 00
Do. Upper Line, do. do. do.	" " "	23,207	8,702 62
	" July 1, '74	Ex. grading.	7,250 00
Do. Melpomene, Upper Line, & do. do.	" " "	30,486	15,243 00
Upper Line & Lake Shore levee	" " "	11,461	4,297 87
Do. levee	" July 1, '74	Ex. grading.	3,700 00
Do. 14th St., Melpomene canal	" Aug. 1, "	32,379	16,189 00
Do. and Lake Shore levee	" " "	15,700	5,887 50
Do. do. Melpomene, & Dublin.	" Sept. —, '74	35,170	17,585 00
Upper Line and Lake Shore, 14th St.	" " "	13,505	5,064 37
Do. levee	" Oct. 1, '74	6,482⅔	6,482 40
On Lake Shore	" " "	98,540	12,317 50
Dublin Av., Lake Shore, Melpomene, & Lake Shore.	" " "	28,444	14,222 00
Upper Line, 14th St. levees	" " "	16,422	6,158 25
Dublin, Melpomene, do. canal	" Nov. 1, '74	34,227	17,113 50
676 Upper Line protection levee	" Nov. 1, '74	9,213	3,454 87
Do. Dublin, Melpomene, canal.	" Dec. 1, "	19,828	9,912 50
Upper Line protection levee	" " "	2,326	872 25
Do. canal	" " 31, "	8,368	4,184 00
10th street canal	" " "	4,578	2,289 00
Melpomene tail-race	" " "	7,245	3,622 50

* Paid on ⅔ yds., 39,657.
‡ Paid on ⅔ yds., 228,811.
† Bid on ⅔ cost, 14,871.45.
⅔ Bid on ⅔ cost, 85,804.12½.

Amount of Work Done in the Second Draining District, &c.—Continued.

Name of canal in which work was done.	Date.	Cubic yards.	Cost.
Upper Line levee	Up to Dec. 31, '74	7,509	2,815 87½
Do. canal	" Feb'y 2, '75	10,140	5,070 00
14th street canal	" 1, "	7,200	3,600 00
Melpomene tail-race	" " "	8,750	4,375 00
Upper Line levee	" " "	8,873	3,327 37½
Claiborne canal	" Mar. 1, '75	12,274	5,637 00
Upper Line do.	" " "	10,301	5,150 50
Melpomene tail-race	" " "	8,210	4,105 00
Upper Line protection levee	" " "	9,050	3,393 75
Melpomene tail-race	" Apr. 1, '75	3,098	1,549 00
Dublin canal	" " "	5,884	2,942 00
Upper Line canal	" " "	10,779	5,399 00
Do. levee	" " "	9,181	3,442 87½
Do. do.	" " 21, '75	44,218	5,527 25
Claiborne Ave. canal	" May 1, '75	17,989	8,994 50
Do. do. do.	" " "	8,309	4,154 50
10th street do.	" " "	5,266	2,633 00
Claiborne do.	" June 1, '75	10,175	5,087 50
10th St. do.	" " "	14,000	7,000 00
Claiborne canal	" " "	7,380	3,690 00
Do. do.	" July 1, "	12,675	6,337 50
10th St. do.	" " "	10,203	5,101 50
Do. do.	" " "	5,862	4,281 00
Do. do.	" Aug. 1, '75	8,299	4,149 50
Do. do.	" " "	10,648	5,324 00
Do. do.	" " "	11,822	5,911 00
Upper Line levee	" " "	5,387	5,387 00
Claiborne canal	" Sept. '75	11,537	5,767 00
10th St. "	" " "	11,935	7,967 00
Do. do.	" " "	8,000	4,000 00
Do. do.	" Oct., '75	16,047	8,023 50
Nashville Ave. canal	" " "	5,100	2,555 00
10 St. do.	" " "	10,357	5,178 50
Upper Line levee	" " 20, '75	100,273	12,537 12½
Claiborne Ave. canal	" Nov. 1, '75	16,738	8,369 00
Nashville " "	" " "	4,728	2,364 00
Upper Line "	" " "	7,210	3,605 00
Do. levee	" Oct. 1, '75	6,310	2,366 25
Do. do.	" Nov., '75	33,490	4,186 25
10th St. do.	" " "	14,580	1,813 50
Nashville canal	" Dec. 1, '75	6,213	3,106 50
Claiborne "	" " "	13,971	6,985 50
Nashville "	" Jan'y 1, '76	4,149	2,074 50
Claiborne	" " "	13,862	6,931 00
Upper Line levee	" " "	4,654	2,327 00
Peters avenue	" " "	3,416	1,708 00
Lake Shore levee	" " "	1,000	500 00
Do. do. do.	" " "	1,000	500 00
Upper Line do.	" Feb., '76	2,782	2,782 00

677 *Account of Work Done in the Third Draining District by the Miss. and Mex. Gulf Ship Canal Co., as per Bill Book on File in the Office of City Surveyor.*

Name of canal in which work was done.	Date.	Cubic yards.	Cost.
In Marigny canal	Up to July 1, '71	8,619	4,309 50
Do. do.	" Aug. 1, "	8,538	4,269 00
Do. do.	" Sept 1, "	11,874	5,937 00
Do. do.	" Octo., "	9,749	4,874 50
Do. do.	" Nov., "	9,789	4,894 50
Do. do.	" Dec., "	8,234	4,117 00
Do. do.	" Jan'y '72	6,399	3,199 50
Do. do.	" Feb'y, "	10,544	5,272 00
Do. do.	" Mar., "	7,061	3,530 00
Do. do.	" Apr., "	6,348	3,174 00
Do. do.	" May, "	8,062	4,031 00
Do. do.	" June, "	12,901	6,450 00
Do. do.	" July, "	9,371	4,685 00
Do. do.	" Aug., "	10,820	5,410 00
Do. do.	" Sept., "	9,738	4,869 00
London avenue	" Octo. "	5,084	2,542 00
" " & Marigny canal	" Nov., "	7,828	3,914 00
	" Apr. 1, '73	5,000	2,500 00
London Ave. canal	" May, "	5,069	2,534 50
People's " "	" June, "	8,564	4,282 00
" " levee	" July, "	3,537	1,326 37
" " & London Ave.	" July, "	19,343	9,671 50
Do. do.	" Aug., "	13,585	6,792 50
Do. levee	" " "	8,170	3,063 75
Do. & London Ave. canal	" Sept., "	16,264	8,132 00
Do. levee		9,861	3,697 87
Do. & London Ave. canal		13,906	6,953 00
Do. levee		6,680	2,505 00
Do. & London Ave. canal		13,939	6,969 50
Do. levee		6,466	2,424 75
Do. & London Ave. canal		11,538	5,667 50
Do. levee		6,463	2,423 62
Do. & London Ave. canal		11,991	5,995 50
Do. levee		7,550	2,831 25
Do. & London Ave. canal		12,538	6,269 00
People's Ave. canal		7,498	2,811 75
London & People's Ave. canal		13,191	6,595 50
do. levee		7,399	2,774 62
Do. & do. canal		14,273	7,136 50
do. levee		9,502	3,563 25
Do. & do. canal		13,126	6,563 00
do. levee		6,526	2,447 25
Do. & do. canal		14,755	7,378 50
do. levee		9,383	3,518 62
Do. & do. canal		19,636	9,818 00
do. levee		13,323	4,996 12
Do. & do. canal		19,936	9,968 00
do. levee		15,967	5,987 62
Do. & do. canal		16,030	8,015 00
do. levee		12,492	4,684 50
678 London & People's Ave. canal	Up to Oct. 1, '74	11,552	8,776 00
Do. do. do. levee	" "	11,040	4,140 00
London & People's Ave. canal	Nov. 1, "	19,614	9,807 00
Do. levee	" "	13,582	5,093 25
Do. canal	Dec. 1, "	20,106	10,053 00
Do. levee	" 3, "	15,838	7,917 00
Do. canal	" 1, "	17,592	6,597 00

Account of Work Done in Third Draining District, &c.—Continued.

Name of canal in which work was done.	Date.	Cubic yards.	Cost.
Do. levee	Up to Dec. 3, '74	13,858	5,196 75
London Ave. canal	Feb'y 1, '75	2,500	1,250 00
People's do. do.	" "	9,740	4,870 00
Do. do. levee	" "	8,523	3,196 12½
Do. do. do.	" "	34,357	4,294 37½
London do. do.	M'ch 1, "	5,695	2,847 50
People's do. do.	" "	18,431	9,215 50
Do. do. do.	" "	16,131	6,049 00
Do. do. do.	Apr. 1, "	25,302	12,651 00
London do. canal		7,411	3,705 00
People's do. levee		21,507	8,065 12½
Do. do. canal	May 1, "	17,810	8,900 00
London do. canal		7,127	3,563 50
People's do. levee		15,600	5,850 00
Do. do. canal	June 1, "	20,150	10,075 00
Do. do. levee		17,650	6,618 75
Do. do.		56,600	7,075 00
Do. do. canal	July 1, "	13,800	6,900 00
Do. do. levee	" "	12,075	4,528 12½
Do. do. canal	Aug. 1, "	17,030	8,515 00
Do. do. levee		14,900	5,587 50
London do. canal	Sept. 1, "	7,120	3,560 00
People's do. do.		7,200	3,600 00
People's do. do.		9,427	4,713 00
Do. do. levee		14,299	5,362 12½
Upper Line do.		21,728	2,716 00
People's do. & M. & T. R. R.		Grading.	2,000 00
London do. canal	Oct. 1, "	4,420	2,210 00
People's do. do.		4,800	2,400 00
Do. do. do.		12,200	6,100 00
Do. do. do.		5,200	2,600 00
Do. do. levee		19,500	7,312 00
Do. do. & M. — T. R. R.		Grading.	3,500 00
Do. do. do.		do.	3,200 00
Do. do. canal	Nov. 1, "	17,065	8,532 00
Do. do. levee		14,932	5,599 00
London do. canal	Dec. 1, "	6,847	3,423 50
People's do. do.		16,113	8,056 50
Do. do. levee		10,099	5,287 12½
Lower Line canal	Jan'y 1, '76	11,241	5,620 50
Do. do. levee		9,836	3,688 50
Do. do. canal	Feb'y 1, "	14,416	7,208 00
London Ave. canal		6,312	3,156 00
679 Lower Line levee	Up to Feb. 1, '76	12,614	4,730 25
Do. canal	Mar. — "	12,800	6,400 00
Lower Line levee	" "	11,200	4,200 00
Do. canal	Apr.— '76	12,347	6,218 50
Do. levee		10,883	4,081 12½
Do. levee		69,217	8,652 12½
People's Ave. canal	Apr. 25, '76	6,200	3,100 00
Do. levee		5,428	2,035 00
Do. canal	May 26, '76	12,036	6,018 00
Do. levee		10,833	4,062 37½

On Account of Work Done in Fourth Draining District by the Miss. & Mex. Gulf Ship Canal Company, as per Bill Book on File in the Office of City Surveyor.

Name of canal in which work was done.	Date.	Cubic yards.	Cost.
Lower Line canal	Up to Apr. 25, '76	13,400	6,700
Do. levee	----------	11,725	4,396 87½
Do. canal	May 26, '76	12,943	6,471 50
Do. levee	"	11,287	4,232 62½

Miscellaneous Work Done by the Mississippi and Mexican Gulf Ship Canal Company, as per Bills on File in the Office of City Surveyor.

Wharfs and landings.

For lumber, as per statement A	March 16, 1874	2,993 00
" timber, " B	----------	2,391 07
" hardware, " C	----------	634 92
" pay-roll, " D	----------	3,118 57
		9,137 56
" building bridge over People's Ave. canal	Dec. 23, '74	1,642 37
" bridge over Claiborne St.	July 1, '75	1,500 00
" track, etc	Aug. 1, '75	4,300 00
" taking down bridges on Claiborne canal	----------	434 00
" building bridges on Dublin Ave. "	Jan'y, 1876	750 00

680 89. Deposition of J. L. Newman before examiner. Copied at page 84 of this transcript.

90. Deposition of Ernest Jannet before examiner. Copied at page 86 of this transcript.

91. The following drainage warrants on behalf of Mary J. Mitchell, executrix, &c., intervening complainant:

92. No. 111, dated June 11, 1875, for $1,000.

93. No. 160, dated September 2, 1875, for $1,000.

94. No. 246, dated January 7, 1876, for $2,000.

95. No. 247, dated January 7, 1876, for $2,000.

96. No. 248, dated January 7, 1876, for $2,000.

97. All on file in suit No. 11551, U. S. circuit court, E. D. La.

NOTE BY CLERK.—The originals of the above-named warrants were withdrawn from the files by the attorney of record for Mrs. Mitchell and could not be obtained in time to be copied in this transcript.

681 98, 99, and 100. Acts mentioned. Not to be copied, as per stipulation on file.

101. Deposition of L. Laroque before examiner. Copied at page 89 of this transcript.

102. *Copy of Order of Third District Court in Suit No.* 17028.

STATE OF LOUISIANA:

Third District Court for the Parish of Orleans

No. 17028.

Commissioners of the first draining district praying for the homologation of the assessment-roll.

Order correcting *fi. fa.*, &c. Filed Aug. 1st, 1863.

On motion of C. Roselius, of counsel for the board of commissioners of the first draining district, on giving the court to understand and be informed that in issuing an execution in this case the clerk of the court has committed a clerical error by substituting the name of Charles Genois in lieu of that of Jean Genois—

It is ordered that the sheriff return said writ of *fieri facias* thus erroneously issued, and that a correct writ of *fieri facias* be issued against the proper party in accordance with the judgment.

682 And on further suggesting to the court that another clerical error has been committed by the clerk in drawing up the judgment in this case by using the word "or" instead of "and," it is now ordered that said error be now corrected.

103 *and* 104. *Certificates of the Clerks of the Civil District Court Parish of Orleans and Supreme Court of the State of Louisiana.*

In the matter of the commissioners of the first draining district praying for the homologation — assessment-roll.

No. 17028.

C. Roselius, Wm. H. Hunt.

1863.			
Feb. 5.	Petition and roll		20
	4 notices in French — English	3	
	Order for publication		30
Mar. 7.	Opposition of N. E. Bailey		10
	Do. W. O. Denegre		10
11.	Proof of publication	1	25
	Order of homologation and 5 newspapers	2	25
	Copy of homologation		75
		$7	95
Mar. 30.	*Fi. fa. vs.* New Orleans *Nat'l* and Banking Company, list of property	15	00
	Amt. for'd	$22	95

683	Amt. brought for'd	$22	95
	Paid $15.		
May 25.	E. W. Sewell, paid O'ber 3, '63	3	
	G. L. Riddell, paid	3	
	Mrs. Ladlow and Mrs. Foley, treasurer and president of Female Orphan Society, paid Nov. 30, '63	3	
	Asylum for Destitute Orphan Girls	3	
	Heirs of Lavergne	3	
	Chas. Genois	3	
	Heirs of Ch's D. Moran	3	95
June 2.	Dr. McPherson, president of the Society for the Relief of Destitute Orphan Boys, p'd	3	
	F. Buisson, president of the Society of Destitute Boys	3	
12.	Order & copy & app. curator *ad hoc* to Chas. Genois	1	50
	Do. to heirs Moran	1	50
	Do. to heirs Lavergne	1	50
15.	Returns of rule		30
July 22.	Order allowing cur. *ad hoc* $25 in case of Genois		50
	Do. $25.00 in heirs of Moran		50
	Do. $25.00 Lavergne		50
Oct. 3.	Petition for appeal by city		10
	Order		75
	Copy of pet., cit., & copies	2	50
684			
Oct. 6.	Sheriff's return o cit.		10
Dec. 12.	*Fi. fa. vs.* John Davidson	5	00
1865.			
Aug. 24.	Sheriff's ret. of *fi. fa. vs.* S. Locke		10
	J. Davidson		10
	Jos. Genois		10
	Dest'te Orphan Boys		10
	McPherson		10
	Heirs of Moran		10
	Chas. Genois		10
	Heirs of Lavergne		10
	Asylum for Des. O. Boys		10
	Mrs. Laidlaw, &c.		10
1868.			
Ap'l 11.	Order for papers		50
1871.			
Dec. 1.	Motion to transfer case to 7th D. c't		50
Dec. 1.	Extracts from minutes	2	00

Received the record in this case for transfer to the 7th dist. court.
Dec. 2, '71.

(Signed) RUFUS WAPLES,
Att'y for City and Adm'rs.

Balance costs due Byerly, c'k, paid June 11, '72.
(Signed) D. C. B. M., *Cl'k.*

685 STATE OF LOUISIANA,
Parish of Orleans, City of New Orleans.

I, E. A. Luminais, clerk of the civil district court for the parish of Orleans, do hereby certify the above to be a true, correct, and complete copy of docket entries of general docket No. 6 of the late third district court of New Orleans "in the matter of the commissioners of the first draining district praying for the homologation of assessment-rolls, No. 17028 of the docket of said court.

I do further certify that the records of said late third district court of New Orleans have been by law transferred to this court and are now in my possession as custodian. I do further certify that said general docket No. 6 contains all the docket entries in said cause from the filing of the suit until the transfer thereof to the said seventh district court.

In testimony whereof I have hereunto set my hand and affixed the impress of the seal of said court, at the city of New Orleans, on this nineteenth day of November, in the year of our Lord one thousand eight hundred and eighty-eight, and in the one hundred and thirteenth year of the Independence of the United States of America.

[L. S.] (Signed) E. A. LUMINAIS, *Clerk.*

Supreme Court of Louisiana.

CLERK'S OFFICE, NEW ORLEANS, *November* 19, 1888.

686 I hereby certify that from the fifteenth day of May, one thousand eight hundred and sixty-two, unto the nineteenth day of November, one thousand eight hundred and sixty-four, no transcripts of appeal were filed in this office, as appears from the official records thereof.

(Signed) GEORGE W. DUPRE,
[L. S.] *Clerk of the Supreme Court of Louisiana.*

(Here follow tables marked pages 687, 688, 689, 690, 691, 692, 693.)

V.—Office of commissioners of consolidated debt, city hall.—Bonded indebtedness city of New Orleans, June 30, 1876.

Name.	Letter.	Date of issue.	For what issued.	Amount.	Interest.	Maturity.
Consolidated bonds	----	May 1, 1851	Debt of municipality No. 1	$2,500 00	7 per cent.	May 1, 1876.
	M	September 1, 1849	" " " 2	4,000 00	"	September 1, 1879.
	M	November 1, 1849	" " " 3	350 00	"	November 1, 1879.
	J	January 1, 1857	Consolidated city debt of 1852	223,000 00	6 per cent.	January 1, 1892.
	M	March 1, 1869	" " " ----	18,000 00	"	March 1, 1892.
	L	April 1, 1868	" " " ----	12,000 00	"	April 1, 1892.
	G	May 1, 1856	" " " ----	203,000 00	"	May 1, 1892.
	H	May 1, 1856	" " " ----	6,000 00	"	May 1, 1892.
	A	June 1, 1854	" " " ----	68,000 00	"	June 1, 1892.
	A	July 1, 1852	" " " ----	3,636,000 00	"	July 1, 1892.
	I	July 1, 1856	" " " ----	25,000 00	"	July 1, 1892.
	J	July 1, 1860	" " " ----	158,000 00	"	July 1, 1892.
	K	August 1, 1864	" " " ----	42,000 00	"	August 1, 1892.
Railroad bonds	B	January 1, 1855	Jackson Railroad Company	147,000 00	"	January 1, 1875.
	B	March 1, 1855	" " " ------	64,000 00	"	March 1, 1875.
	B	May 1, 1854	" " " ------	860,000 00	"	May 1, 1874.
	B	May 1, 1854	" " " ------	326,000 00	"	May 1, 1894.
	C	January 1, 1855	Opelousas " " ------	69,000 00	"	January 1, 1875.
	C	April 1, 1855	" " " ------	58,000 00	"	April 1, 1875.
	C	May 1, 1854	" " " ------	337,000 00	"	May 1, 1874.
	C	May 1, 1854	" " " ------	226,000 00	"	May 1, 1894.
	C	September 1, 1854	" " " ------	53,000 00	"	September 1, 1874.
	C	September 1, 1854	" " " ------	50,000 00	"	September 1, 1894.
	D	July 15, 1854	Pontchartrain Railroad Company	89,000 00	"	July 15, 1884.
Water-works bonds	W	January 1, 1869	Purchase of water works	1,138,600 00	5 per cent.	January 1, 1899.
Seven per cent. bonds, 1869	X	March 1, 1869	Registered bills	701,000 00	7 per cent.	March 1, 1894.
	Y	March 1, 1869	City notes	1,263,800 00	"	March 1, 1894.
Seven per cent. bonds, 1870	N	June 1, 1870	City notes, warrants, etc.	1,351,005 00	"	June 1, 1895.

Street-improvement bonds	Q	August 1, 1871	Paving and repairing streets	133,000 00	7-30 per cent.	August 1, 1911.
Ten per cent. bonds	P	April 1, 1871	Deficit and old claims	670,850 00	10 per cent.	April 1, 1881.
Jefferson City bonds	----	January 1, 1857	Debt of Jefferson City, assumed	49,000 00	8 per cent.	January 1, 1887.
	----	June 1, 1857	" " "	126,000 00	"	June 1, 1897.
One million loan bonds	E	October 1, 1868	Four-year loan	22,350 00	10 per cent.	October 1, 1872.
Consolidated gold bonds, general series.	----	July 1, 1872	Renewal of obligations, etc.	911,000 00	7 per cent.	July 1, 1922.
Consolidated gold bonds, drainage series.	---	July 1, 1872	Draining canals and protection levees.	540,000 00	"	July 1, 1922.
Street-assessment bonds	S	February 1, 1873	Paving streets	6,450 00	7-30 per cent.	February 1, 1883.
	S	February 1, 1874	" "	2,350 00	"	February 1, 1874.
	S	November 24, 1874	" "	650 00	"	November 24, 1884.
Carrollton funding bonds	A	November 1, 1871	Debt of Carrollton City, assumed	18,500 00	8 per cent.	November 1, 1901.
Carrollton improvement bonds.	B	November 1, 1871	" " "	7,425 00	"	November 1, 1892.
Premium bonds	----	----------	In exchange for other bonds	7,210,620 00		
			Certificates for gold bonds, general series	25,213 84		
			Certificates for gold bonds, drainage series	3,014 46		
			Seven per cent. bond certificates	5,817 09		
			Seven-thirty administration certificates	6,873 76		
			Certificates for ten per cent. bonds	390 55		
			Bills payable (Jefferson City notes)	1,210 37		
			Certificates for street-improvement bonds	1,930 58		
			Certificates for wharf-improvement bonds	381 53		
			Total	$20,870,727 18		

C. J. LEEDS, *Mayor*,
E. PILSBURY, *Administrator of Finance*,
J. G. BROWN, *Administrator of Public Accounts*,
} *Commissioners of Consolidated Debt.*

V.—Office of commissioners of consolidated debt, city hall.—Bonded indebtedness city of New Orleans, December 30th, 1876.

Name.	Letter.	Date of issue.	For what issued.	Amount.	Interest.	Maturity.
Consolidated bonds	----	May 1, 1851	Debt of municipality No. 1	$2,500 00	7 per cent.	May 1, 1876.
	M	September 1, 1849	" " " 2	400 00	"	September 1, 1879.
	M	November 1, 1849	" " " 3	350 00	"	November 1, 1879.
	J	January 1, 1857	Consolidated city debt of 1852	223,000 00	6 per cent.	January 1, 1892.
	M	March 1, 1869	" " "	18,000 00	"	March 1, 1892.
	L	April 1, 1868	" " "	12,000 00	"	April 1, 1892.
	G	May 1, 1856	" " "	203,000 00	"	May 1, 1892.
	H	May 1, 1856	" " "	6,000 00	"	May 1, 1892.
	A	June 1, 1854	" " "	68,000 00	"	June 1. 1892.
	A	July 1, 1852	" " "	3,636,000 00	"	July 1, 1892.
	I	July 1, 1856	" " "	25,000 00	"	July 1, 1892.
	J	July 1, 1860	" " "	158,000 00	"	July 1, 1892.
	K	August 1, 1864	" " "	42,000 00	"	August 1, 1892.
Railroad bonds	B	January 1, 1855	Jackson Railroad Company	127,000 00	"	January 1, 1875.
	B	March 1, 1855	" " "	46,000 00	"	March 1, 1875.
	B	May 1, 1854	" " "	533,000 00	"	May 1, 1874.
	B	May 1, 1854	" " "	180,000 00	"	May 1, 1894.
	C	January 1, 1855	Opelousas Railroad Company	38,000 00	"	January 1, 1875.
	C	April 1, 1855	" " "	40,000 00	"	April 1, 1875.
	C	May 1, 1854	" " "	196,000 00	"	May 1, 1874.
	C	May 1, 1854	" " "	101,000 00	"	May 1, 1894.
	C	September 1, 1854	" " "	45,000 00	"	September 1, 1874.
	C	September 1, 1854	" " "	33,000 00	"	September 1, 1891.
	D	July 15, 1854	Pontchartrain " "	46,000 00	"	July 15, 1884.
Water-works bonds	W	January 1, 1869	Purchase of water works	903,600 00	5 per cent.	January 1, 1899.
Seven per cent. bonds, 1869	X	March 1, 1869	Registered bills	563,000 00	7 per cent.	March 1, 1894.
	Y	March 1, 1869	City notes	991,350 00	"	March 1, 1894.
Seven per cent. bonds, 1870	N	June 1, 1870	City notes, warrants, etc.	953,750 00	"	June 1, 1895.
Street-improvement bonds	Q	August 1, 1871	Paving and repairing streets	101,000 00	7-30 per ct.	August 1, 1911.

Ten per cent. bonds	P	April 1, 1871	Deficit and old claims	632,000 00	10 per cent.	April 1, 1881.
Jefferson City bonds	----	January 1, 1857	Debt of Jefferson City, assumed	49,000 00	8 per cent.	January 1, 1887.
	----	June 1, 1857	" " " "	115,000 00	"	June 1, 1897.
One million loan bonds	E	October 1, 1868	Four-year loan	20,950 00	10 per cent.	October 1, 1872.
Consolidated gold bonds, general series.	----	July 1, 1872	Renewal of obligations, etc.	632,000 00	7 per cent.	July 1, 1922.
Consolidated gold bonds, drainage series.	----	July 1, 1872	Drainage canals and protection levees	339,000 00	"	July 1, 1922.
Street-assessment bonds	S	February 1, 1873	Paving streets	3,650 00	7-30 per ct.	February 1, 1883.
	S	November 24, 1874	" "	100 00	"	November 24, 1884.
Carrollton funding bonds	A	November 1, 1871	Debt of Carrollton City, assumed	400 00	8 per cent.	November 1, 1901.
Carrollton improvement bonds.	B	November 1, 1871	" " " "	1,425 00	"	November 1, 1892.
Premium bonds	----	----	In exchange for other bonds	9,531,980 00		
			Certificates for gold bonds, general series	18,834 23		
			Certificates for gold bonds, drainage series	2,981 79		
			Seven per cent. bond certificates	5,817 09		
			7-30 administration certificates	6,376 93		
			Certificates for ten per cent. bonds	341 88		
			Bills payable (Jefferson City notes)	710 37		
			Certificates for street-improvement bonds	1,930 58		
			Certificates for wharf-improvement bonds	381 53		
			Total	$20,654,829 40		

ED. PILSBURY, *Mayor*,
J. C. DENIS, *Administrator Finance*,
J. G. BROWN, *Administrator Public Accounts*,
} *Commissioners of Consolidated Debt.*

NOTE.—$590,000.00 wharf-improvement bonds, maturing December, 1880 (payment assumed by lessees of wharves), not included in above statement.

696 114. *Extract from Bill of Sale. Guilio Guibelate.*

By act passed before John R. Legere, notary, dated 7th November, 1888. Guilio Guibelate sold unto the Mutual Loan and Building Company—

1. A certain square of ground, together with all the buildings thereon, situated in the third district designated by the No. 3036, bounded by Elysian Fields, Pelopidas, Marigny, and Livingstone streets, and measuring 320 feet front on each of Elysian Fields and Marigny Sts., and 285 feet 8 inches and four lines front on each of Pelopidas and Livingstone streets.

2. Another square of ground, with improvements thereon, situate in the same district, designated as square 3035, bounded by Marigny, Pelopidas, Gentilly road, Mandeville, and Livingstone streets, and measuring 320 feet front on Marigny street, 154′ 10″ 5‴ feet front on Pelopidas street, 195′ 3″ 1‴ front on Gentilly road, 197′ 3″ 4‴ front on Mandeville street, and 309′ 9″ 3‴ front on Livingstone street.

3. A portion of the square of ground No. 3081, with the improvements thereon, situated in the same district, bounded by Marigny, Livingstone, Stephen Girard, and the division line of Hopkins plantation, measuring 320 feet front on Marigny street, 291 feet eleven inches and 2 lines front on Livingstone street, 140 feet 7 inches 1 line front on Stephen Girard street, and 25 feet on the division line of Hopkins plantation.

4. A certain portion of ground of a triangular form, desig-
697 nated by the No. 2891, bounded by Gentilly road, Marigny and Pelopidas streets, 3rd district of this city, measuring 66′ 0″ 4‴ front on Marigny street, 100′ 5″ 5‴ front on Gentilly road, and 86′ 4 lines front on Pelopidas street, with the improvements thereon.

5. And one-half of the square of ground No. 2888, bounded by Frenchman, Pelopidas, Union, and Solon streets, 3rd district of this city, and measuring 160 feet front on each of Frenchman and Union streets, and 309′ 11″ front on Pelopidas streets, with the dependencies and appurtenances thereof.

1st.	Acquired May	3, 1864, registered in C. O. B.	88,	folio 66.
2nd.		31, 1871,	99,	476.
3rd.	February	28, 1885,	122,	41 & 42.
4th.	Mar.	3, 1885,	122,	42.
5th.		16, 1885,	122,	63.
6th.	Nov.	13, 1886,	126,	388.
7th.	April	11, 1887,	127,	374.
8th.	July	2, 1888,	128,	376.

Except sale of squares 2888 and 3036 to State of Louisiana for taxes of 1888.

Registered in book 125, folio 115.

Sold for $1,000 cash.

Registered November 7th, 1888.

(Signed) A. J. VILLERE, *Register.*

Book 129, page 531.

115. *Extract from Bill of Sale.*

Henry T. Cockburn to M. J. Gunther.

698 By act before A. Doricourt, not. public, dated November 8th, 1887, Henry Turner Cockburn has sold to Martin Joseph Gurtler a certain portion of ground in the second district, in the square bounded by Metairie road, Anthony, Bernadotte, Toulouse, and Peter streets and designated by the No. 85, and the said lot being designated by the same number and measuring 251′ 8″ 7‴ front on Bernadotte street, 322′ 0″ 2‴ front on the Metairie road, and 191′ 7″ 6‴ front on Toulouse street.

Acquired July 28, 1876.

This sale was made for $200 cash.

New Orleans, La., November 8, 1887.

JOS. BATT, *R. C.*

Book No. 127, p. 732.

116. *Extract from Bill of Sale.*

T. O. Stark to Henry Legendre.

By act before Frederick Dible, notary, dated 8 August, 1888, Theodore O. Stark sold unto Henry Lagardere three certain portions or squares of ground situated in the first district of New Orleans, as per plan drawn by Joseph Garlenski, city surveyor, on the 15th December, 1863, and annexed to an act of partition between Edward Allen and W. H. Handlin, passed before Joseph Cohen, notary, on the 17th November, 1864, and according to said plan they are designated by the Nos. 771, 772, and 773 and are situated at the intersection
699 of the New Shell road and Carrollton avenue. Square No. 771 is bounded by Carrollton avenue, New Shell road, Dixon, and Short streets. Square No. 772 is bounded by Short, Dixon, Seventeenth, and Carrollton avenue, and square No. 773 is bounded by Carrollton Ave., Seventeenth, and upper line of New Orleans, and measuring together, all more or less, about 600 feet on Carrollton avenue, about 275 feet on Washington avenue, and on the opposite side line.

The above squares were purchased by said T. O. Stark by two several and separate acts of sale, one thereof passed before Joseph Quintero, late notary, on the 12 of March, 1868, purchasing from C. C. Beard, and the other purchasing from the heirs of Laurent Millaudon and wife, per act passed before D. Augustin, late notary, on the 24 June, 1869.

Sold for $575 cash.

Registered 11 August, 1888.

A. J. VILLERE, *Register.*

Book 129, p. 375.

117. *Extract from Bill of Sale.*

Henry Herzog to Jules Guilbelat.

By act before J. R. Legere, notary public, dated November 13, 1886, Henry Herzog has sold unto Jules or Guilio Guilbilats three lots of ground and improvements in the third district, in square bounded by Marigny, Mandeville, Livingston, and Stephen Girard streets, designated as lots Nos. 1, 2, and 3, measuring each 35′ 6″
700 2‴ front on Livingston street by a depth of 159′ 10″, all more or less between parallel lines A. M., lot No. 1 forming the corner of Marigny and Livingston Sts.

Acquired May 4, 1869.

Sold for $200; $100 cash, balance notes.

New Orleans, November 13th, 1886.

(Signed) JOS. BATT, *R. C.*

Book 126, page 388.

118. *Extract from Bill of Sale.*

Mrs. L. Chaurant to Felix Charel.

By act passed before Amedée Ducatel, N. P., dated June 15, 1878, Mrs. Zelda Carrie, wife separated in property of Louis Chaurant, both of this city, said wife acting herein by authority of said husband, has sold unto Felix Charel, also of this city, a lot of ground with buildings and improvements thereon in the third district of this city in square bounded by Elysian Fields, Pelopidas, Marigny, and Livingston streets, measuring 106′ 7″ front on Elysian Fields, 283′ 2″ in depth and front on Pelopidas between parallel lines, and 106′ 7″ front on Marigny street.

2d. Six lots of ground with the improvements thereon in said third district, designated by the Nos. 7, 8, 9, 10, 11, and 12 of square 1, comprised within Marigny, Mandeville, Livingston, Pelopidas streets and the Gentilly road on a plan by A. D'Hemecourt, Nov.
701 23, 1850, in the office of A. A. Baudouin, late N. P., and measures as follows: No. 7 30′ 11″ 6‴ front on Livingston by 120′ in depth between equal and parallel lines bounded on the side next Marigny by lot No. 10 hereinafter described.

Nos. 8 and 9 each 39′ 0″ 5‴ front on an oblique line at the junction of Gentilly road and Pelopidas street and 175′ 5″ on the line dividing them. No. 8 having 148′ 7″ 5‴ in depth on its other side and No. 9 196′ 10″ 3‴ deep on the side next to Marigny St. No. 10 30′ 11″ 6‴ front on Livingstone by 120 deep between equal and parallel lines, bounded on the side next Mandeville by lot No. 7. Lots Nos. 11 and 12 26′ 8″ front each on Marigny by 154′ 10″ 5‴ in depth each between equal and parallel lines—No. 12 forming the corner of Marigny and Livingston streets.

Acquired May 6, 1872. Registered in Book 101, fo. 313.
This sale was made for $634 cash.
New Orleans, July 2, 1878.
(Signed) L. H. CANONGE, *D. R.*

Book 111, page 585.

119. *Extract from Bill of Sale.*

J. B. Ward & D. Negrotte, Jr., to D. Beaulin.

By act before J. Z. Spearing, not. pub., dated Nov. 16, 1887, James B. Ward and Domingo Negrotte, Jr., unto Daneville Beaulin a square of ground and improvements in the 2nd district designated
702 by No. 53, also No. 569 bounded by Murat, Olympia, Custom-house, and Bienville Sts. Measures 239′ on Custom-house and Bienville Sts. by 314′ on Murat and Olympia Sts.
Acquired June 6th, 1887, Book 126, fo. 728; Feb'y 10, 1887, B'k 126, fo. 531.
Sale made for $825—$275 cash.
New Orleans, November 19, 1887.
(Signed) JOS. BATT, *R. C.*

Book 128, page 28.

120. *Extract from Bill of Sale.*

J. J. Weckerling to E. Marquez.

By act before Chas. Rolle, notary public, dated February 11th, 1888, John Joseph Weckerling has sold to Ebere Marquez a portion of ground in Milenberg, 3rd district, composed of the half of two lots of ground No. 11 and No. 12 in square 1, comprised within Elysian Fields, Marigny, and Columbus Sts. and Lake Pontchartrain and measures in F. M. 60′ front on Elysian Fields St. by 120 deep.
Acquired June 1st, 1881, and registered in Book 115, folio 447.
Sold for $800 cash.
New Orleans, February 11, 1888.
(Signed) JOS. BATT, *R. C.*

Book 127, p. 873.

703 121. *Extract from Bill of Sale.*

Mrs. A. Dericourt, Jr., to Wm. Conway.

By act before Abel Drayfous, notary, dated 28 July, 1888, Mrs. Marion Coats, wife of André Dericourt, Jr., has sold unto William Conway seven lots of ground with appurtenances, designated by the Nos. 6 to 12 second district, square 388, bounded by Dupre, Gayoso, Dumaine, St. Philip, and Bellechase streets, which lots adjoin each other and measure in American measure, more or less, lot No. 6

being a corner lot 15′ front on Gayoso St. by 98′ in depth, front on Bellechasse St., 88′ in depth on the other side on a line perpendicular to Gayoso St., and 60′ in the rear on a line parallel to Gayoso and Dupre Sts., lots 7 and 8 each 37′ front on Bellechasse St., 31′ 5″ 6‴ on the rear line by the following depths: Lot No. 7 60′ on the division line of lot No. 6, and lot No. 8 of 76 feet on the division line of lot No. 7 and of 90′ on the division line of lot No. 9. Lot No. 9 has a first front of 15′ on Bellechasse St. by 90′ in depth, and second front of 19′ on St. Philip St. by 100 in depth.

Lots 10, 11, and 12 measure each 31′ 5″ 6‴ front on St. Philip St. by 100′ in depth and 31′ 5″ 6‴ in the rear, said lot No. 12 forming the corner of St Philip and Dupre.

Acquired 18 March, 1888, C. O. B. 129, fo. 241.

Sold for $700.

Registered 30 July, 1888.

(Signed) A. J. VILLERIE, *Register.*

Book 130, p. 140.

704 122. *Extract from Bill of Sale.*

Henry Newman to E. H. Chadwick.

New Orleans, April 22, 1885.—Per act, before John G. Eustis, notary public, Henry Newman, by virtue of a public sale made by C. E. Girardy, auctioneer, April 4, 1885, has sold unto Edmond H. Chadwick three certain lots of ground and all the improvements thereon, &c., situate in the second district in square bounded by Conti, Carondelet Walk, Broad and Dolhonde (late Dorgenois) streets, and measuring each 30′ front on Conti street by 102 in depth between parallel lines.

Acquired ——.

This sale was made for the sum of $400 cash, $140 and two notes each for $130. Dated April 8, 1855, payable in one year after date with interest at 8 % from date until paid.

New Orleans, April 23rd, 1885.

(Signed) JOS. BATT, *R. C.*

Book 121, p. 416.

123. *Extract from Bill of Sale.*

Geo. A. Hero to E. H. Chadwick.

Per act before Andrew Hero, Jr., notary, dated July 23, 1885, Geo. A. Hero has sold unto Edward H. Chadwick a certain lot of ground and improvements thereon in the first district, in the square bounded by Broad, Gravier, Perdido, and White streets, and designated as lot No. 3, and measures 30 front on Broad street by 30 in width on the rear by 96′ 6″ in depth on the line dividing
705 it from lot 4 and 94′ 5″ 2‴ in depth on the other side, and the same comprises part of the several lots numbered 37, 38, and 39 in said square.

Acquired July 15th, 1885. This sale is made for $50 cash.
New Orleans, July 27th, 1885.
[Signed) JOS. BATT, *R. C.*
Book 121, page 674.

124. *Extract from Bill of Sale.*

Denis Clouney to E. H. Chadwick.

By act before C. Andry, notary public, dated October 6, 1887, C. A. Johnson, acting syndic of the creditors of Dennis Clouey, appointed in the proceedings entitled Dennis Clouey *versus* his creditors, No. 21438 civil district court, has offered at public auction on September 27th, 1887, by order of court, division C, rendered October, 1887, unto Edmund H. Chadwick a square of ground in the first district, designated by the No. 23, bounded by Alexander, Murat, Gasquet, and Palmyra streets, is composed of 26 lots, No. 1 to 26, both inclusive, and measures 314′ 2″ front on each of Palmyra and Gasquet streets and 319′ 7″.

Acquired November 10, 1886. Book 126, fo. 390.
This sale is made for $494. $164.66 cash.
New Orleans, October 6, 1887.
(Signed) JOS. BATT, *R. C.*
Book 124, p. 693.

706 125. *Extract from Bill of Sale.*

W. D. Hoyle to Rebecca Cannayan.

Per act before A. S. Beck, notary, dated June 8th, 1886, William D. Hoyle, acting testamentary executor of the succession of Rebecca F. Cannayan, widow of Jno. M. Hoyle, by virtue of an order of the civil district court in suit No. 1250 of the docket of said court, dated May 18, 1885, by virtue of a public sale made by Albert Paul, auctioneer, dated June 6, 1885, has sold unto Edmond H. Chadwick six lots of ground, bounded by Redon, Lopez, Canal, and Custom-House streets, designated as lots Nos. 12, 13, 14, 15, 16, and 17. Lot No. 12 has 34′ 5″ on Redon St. by a depth on side line adjoining lot No. 11 of 135′ 5″ 14‴ and on side line adjoining lot No. 13 of 108′ 1″ 5‴ and measures in the rear corresponding with depth of said side lines of 43′ 11″ 5‴. Lot No. 13 has 30′ on Redon St. by 123′ 0″ 6‴ between parallel lines. Lot No. 14, forming the corner of Redon and Custom-House streets, *and* has 31′ 6″ 6‴ front on Custom-House St. by a depth and front on Redon street of 109′ 6″. Lots 15, 16, and 17 have each 30′ 6″ on Custom-House street by a depth between parallel lines of 109′ 6″.

Acquired July 17, 1878.
This sale was made for $230, part cash.
New Orleans, June 8, 1886.
(Signed) JOS. BATT, *R. C.*

Book 124, p. 256.

126. *Extract from Bill of Sale.*

Lafon to Chadwick.

707 By act passed before M. Gernon, notary public, dated 9th February, 1884, Thomas Lafon, of this city, has sold unto Edmond H. Chadwick, also of this city, a lot of ground, with the buildings, &c., situated in the second district of this city, in square bounded by Dorgenois, St. Peter, Rochblave, and Carondelet Walk, as per plan of C. De Armas, measuring 30′ front on Dorgenois St. by 149′ 1″ 4‴ deep between parallel lines.

Acquired 5th June, 1878. B'k 109, fol. 746.

This sale is made for $250, $100 cash, and for the balance the purchaser has made and subscribed his promissory note, dated 9th of February, 1884, payable one year after date, with interest at 6% per annum from date till paid.

New Orleans, February 14th, 1884.

(Signed) L. ARNAULD, *R.*

Book 120, p. 856.

127. *Extract from Bill of Sale.*

Santini to Chadwick.

By act before C. T. Soniat, notary public, dated 6th December, 1883, Margaretha Miller, widow of Joseph Santini, sold unto Edmond Hewett Chadwick, of this city, the following-described property:

Two lots of ground, with the improvements, rights, &c., situated in the second district of this city, in the square bounded by Bienville, Conti, Gayoso, and Salcedo Sts., designated by Nos. 18 and 19, as per plan deposited in the office of S. Meyer, late notary pub-
708 lic, designated by the No. 79, measuring each 31′ 5″ 7‴ front on Bienville St. by 102′ 3″ 4‴ in depth between parallel lines A. M., as per plan drawn by J. F. Brown, surveyor, dated 29th October, 1883.

Acquired December 31st, 1878. Book 111, fol. 731.

This sale is made for $100 cash.

New Orleans, December 6, 1883.

(Signed) L. ARNOLD, *R. C.*

Book 120, p. 645.

128. *Extract from Bill of Sale.*

Hoyle *vs.* Schultz.

By process verbal of sale executed by Ernest J. Ricker, deputy sheriff, dated 24th October, 1882, and by return of a writ of *fieri facias* to J. R. Alce Gauthreaux, late sheriff, directed by the hon. the sixth district court for the parish of Orleans, on the 5th day of Feb-

ruary, 1879, at the suit of Mrs. Rebecca Hoyle *vs.* Charles J. Schultz, No. 9227 of the docket of said court, and to me transferred by said J. R. Alce Gauthreaux, late sheriff, and now transferred to the civil district court for the parish of Orleans, and being No. 6715 on the docket of said court, same deputy sheriff has adjudicated the following-described property unto Edmond H. Chadwick: Seven lots of ground in the second district of this city, in the square bounded by Bienville, Custom-House, Helena, and St. Anthony streets, and designated by Nos. 3, 4, 5, 6, 7, 8, 9, and 10 on a sketch
709 deposited in the office of J. D. Augustin, notary, dated 16 March, 1869, measuring as follows: Lots Nos. 3, 5, 7, and 9, each 31′ 11″ 5‴ front on Custom-House St. by depth of each 118′ 3″ 4‴; lots Nos. 4, 6, and 10 measure each 31′ 11″ 6‴ front on Custom-House St. by a depth of 118′ 3″ 4‴ between parallel lines, lot No. 10 forming the corner of Custom-House and Helena streets.

This sale is made for $185 cash.

New Orleans, June 15, 1883.

(Signed) L. ARNAULD, *R. C.*

Book 120, p. 148.

129. *Extract from Bill of Sale.*

John Fitzgerald to William Gordon.

By act before Joseph R. Winchester, notary, dated 26th June, 1867, John Fitzgerald, of this city, has sold unto William Gordon, of this city, a certain tract of land designated as a part or portion of lot No. 19, in square bounded by Tonti, Miro, Palmyra, and Gasquet streets, on a plan by A. d'Hemecourt, dated 16th July, 1853, deposited in the office of P. C. Cuvillier, notary, dated 10th October, 1853. Said portion or part of lot No. 19 commences at the corner of said lot on Palmyra St. and nearest to Tonti street and running thence on Palmyra street a front of 25 feet towards Miro street and thence back on both side lines a depth of 105 feet 10 inches 3 lines; sold for five hundred and fifty ($550) doll's cash. The
710 vendor is not waived.

(Signed) LIRE WELLS, *Register.*

New Orleans, June 27th, 1867.

Recorded in Book 93, p. 299.

130. *Extract from Bill of Sale.*

E. Garnet to Robert Upsher.

By act before Theodule Buisson, notary, dated Febr'y 16, 1888, Alphonsine Cousinard, widow of Emile Gamnet, herein acting as testamentary executor of the last will and testament of the late Emile Gamnet, dec'd, by virtue of an order of the hon. the civil dist. court in the matter of the succession of Emile Garnet, No. 22497 of the docket of said court, by virtue of a public sale made by James P.

Guinault, auctioneer, on Jan'y 7, 1888, sold unto Robert Upshur four lots of ground and imp's, 2d dist., and forming part of a certain tract of land comprised within the New Metairie road, Orleans and Monroe avenues, and the West Lake road, on Bayou St. John, the said lots adjoin- each other and being designated by the Nos. 2, 3, 4, and 5 and measuring each 150 — front on New Metairie road by a depth of 850 — between equal and parallel lines, bounded on the side towards Orleans Ave. by the City park, on the side towards West Lake road by lots Nos. 1 and 6 and part of lot No. 7, and on the rear line, being the side towards Monroe St., by lots Nos. 13, 14, 15, and 16.

711 Acquired May 11, 1886. B'k 123, fo. 986.

This sale was made for $1,950, one half or more cash.

New Orleans, February 17, 1888.

(Signed) JOS. BATT, *R. C.*

CONVEYANCE OFFICE, PARISH OF ORLEANS.

I, the undersigned, register of conveyances for the parish of Orleans, do hereby certify that the above is a true and correct copy of the inscription made in this office in Book 129, fo. 37, on the 17 February, 1888.

N. O., January 24, 1889.

(Signed) A. J. VILLERE, *Register.*
L. S.

131. *Extract from Bill of Sale.*

The New Orleans Canal & Banking Co. to George L. Bright.

By act before Octave Morel, notary, dated the 17th May, 1866, George Jonas, president of the New Orleans Canal & Banking Company, an incorporated institution of this State, and acting in his capacity as such, has sold unto Messrs. Jacob McWilliams and George Leon Bright, both of this city—

A tract of land situated partly in the parish of Orleans and partly in the parish of Jefferson, adjoining the city of Car-
712 rollton in the rear, which city of Carrollton was formerly known as the Macarty plantation, bounded as follows: In front by the Metairie road, on the upper side by the property belonging to Hazeur, on the lower side partly by the New canal and partly by the property now or formerly belonging to Carrie and Read, and on the side nearest to the river by the property belonging to the city of Carrollton. The said tract is composed of twenty-seven lots, numbered from 1 to 27, inclusive. Lots Nos. 1 to 19, inclusive, measure each 100 feet front in the rear line, adjoining the town of Carrollton, and extending between parallel lines on an average depth of 1,299 feet on the division line of the Hazeur property to 1,757 feet 4 inches on the division line of lot No. 20, and they all front on the Metairie road, and lot No. 20 has 100 feet front on the rear line of the town of Carrollton and extending between

parallel lines to the extent of 769 feet 8 inches and thence between parallel lines until it reaches the Metairie road; the portion of said lot No. 20 lying between the Metairie road and the point where the 769 feet 8 inches stop has less width than the rear portion; lot No. 21 has 157 feet 8 inches 3 lines front on the Metairie road, 406 feet 2 inches 3 lines in depth on the division line of lot No. 20, and 298 feet in depth on an oblique line dividing it from the property now or formerly of Carrie and extending to a point where it reaches the letter G, there widening and extending on a further depth of 171 feet 7 inches 2 lines, measuring 267 feet 2 inches 2 lines in width on the rear line dividing it from lot No. 22.

713 Lot No. 22 has 158 feet 1 inch 2 lines front on the New Orleans canal and shell road, narrowing in the rear so as to have 105 feet 5 lines in width on rear line dividing it from lot No. 20 and extending in depth 764 feet 6 inches on the line dividing it from property now or formerly belonging to Read, also from lot No. 21 and from a small piece of ground intervening between said lot No. 21 and said property of Read and 823 feet 5 inches 3 lines on the division line of lot No. 23; lot No. 23 *has* 100 feet wide and fronts on the New Orleans canal & shell road, 100 feet 3 lines in width on the rear line, 823 feet 5 inches 3 lines on the line which separates it from lot No. 22, and 865 feet 5 inches 5 lines on the line which separates it from lot No. 24.

Lot No. 24 *has* 100 feet wide and fronts on the New Orleans canal and shell road, 100 feet 3 lines in width in the rear, 865 feet 5 inches 5 lines on the line which separates it from lot No. 23, and 907 feet 5 inches 6 lines on the line which separates it from lot No. 25; lot No. 25 *has* 100 feet wide and fronts on the New Orleans canal & shell road, 100 feet 3 lines in width in the rear, 907 feet 5 inches 6 lines on the line which separates it from lot No. 24, and 949 feet 6 inches 1 line on the line which separates it from lot No. 26; lot No. 26 *has* 100 feet wide and fronts on the New Orleans canal & shell road, 100 feet 3 lines in width on the rear line, 949 feet 6 inches 1 line on the line which separates it from lot No. 25, and 991 feet 6 inches 3 lines on the line which separates it from lot

714 No. 27, and lot No. 27 *has* 100 feet wide and fronts on the New Orleans canal and shell road, 100 feet 3 lines in width on the rear line, 991 feet 6 inches 3 lines on the line which separates it from lot No. 26, and 1,033 feet 6 inches 5 lines on the other line, the whole according to a plan made by W. H. Williams, State surveyor for the parish of Jefferson, on the 20th June, 1859, delivered to purchasers.

Purchased by the vendor from Bertrand Redon by act before G. R. Stringer, notary, dated 3d November, 1831.

This sale was made for fifty thousand dollars ($50,000), of which the purchasers have paid sixteen thousand six hundred and sixty-six 66⅔ dollars cash, and for the balance they have furnished eight series of three serial promissory notes, each drawn by them to the order of the New Orleans Canal & Banking Company, dated the 17th May, 1866, which series of notes are numbered from one to eight, inclusively, and are as follows: No. 1, three several promissory notes,

designated by the No. 1, for eight thousand seven hundred and seventy-seven $\frac{1}{100}$ dollars each, payable respectively at one, two, and three years; No. 2, three several promissory notes, designated by the No. 2, for three hundred and thirty-three 33⅓ dollars each, payable respectively in one, two, and three years; No. 3, three several promissory —, designated by the No. 3, for three hundred and thirty-three 33⅓ dollars each, payable respectively in one, two, and three years; No. 4, three several promissory notes, designated by No. 4, for three hundred and thirty-three 33⅓ dollars each, payable respectively in one, two, and three years; No. 5, three several promissory notes, designated by the No. 5, for three hundred and thirty-three 33⅓
715 dollars each, payable respectively in one, two, and three years; No. 6, three several promissory notes, designated by the No. 6, for three hundred and thirty-three 33⅓ dollars each, payable respectively in one, two, and three years; No. 7, three several promissory notes, designated by the No. 7, for three hundred and thirty-three 33⅓ dollars each, payable respectively in one, two, and three years; No. 8, three several promissory notes, designated by the No. 8, for three hundred and thirty-three 33⅓ dollars each, payable respectively in one, two, and three years.

All which said notes are made payable at the New Orleans Canal Bank, with interest at the rate of 8% per annum from date till paid.

New Orleans, May 24, 1866.

(Signed) P. SAUVÉ, *Register.*

CONVEYANCE OFFICE, PARISH OF ORLEANS.

I, the undersigned, recorder of conveyances for the parish of Orleans, do hereby certify that the above and foregoing four pages contain a true and correct copy of the inscription of the act of sale by the New Orleans Canal and Banking Co. to Jacob McWilliams and George L. Bright, passed before Octave Morel, notary in this city, on the 17 May, 1866, as made in this office, in Book 91, fo. 265, on the 24 May, 1866.

New Orleans, January 24, 1889.

[L. S.] (Signed) A. J. VILLERE, *Register.*

716 132. *Extract from Act of Sale.*

Bradish Johnson to Thomas Higgins, Jr.

By act passed before N. B. Trist, not. pub., dated 14 May, 1883, Bradish Johnson, of the city and State of New York, has sold unto Thomas Higgins, of New Orleans, State of Louisiana, the following-described property, to wit:

1st. A certain lot of ground, with all the improvements, &c., thereon, situated in the First district of this city in the square bounded by Rochblave, Common, Tonti, and Gravier Sts., and designated by the No. 27 on a sketch annexed to an act of sale from said Johnson to S. B. Johnson and J. B. Lee, before W. B. Poole, a notary in this city, on the 23rd April, 1867, a copy of which sketch is an-

nexed to an act of sale to said Higgins passed — N. B. Trist, not. public, on the 29th day of March, 1878, said lot measures 30 front on Tonti street by 91′ 4″ 1‴ in depth between parallel lines.

2d. Another lot of ground, with all the buildings thereon, situated in the same district and square as the above-described lot, designated by the No. 39 on the above-mentioned sketch and measuring 30 front on Bradish street, which intersects said square as per said sketch by 60 in depth between parallel lines.

Acquired March 5, 1874, Reg. B'k 104, fo. 246.

Acquired May 13, 1872, Reg. B'k 102, fo. 353.

This sale is made for the price and sum of $500, of which $166.66⅔ are paid cash, and for the balance the purchaser has furnished two several notes made by him to the order of and endorsed by him, each for the sum of $166.66⅔, payable, respectively, in one and two years after date, with interest at the rate of eight per
717 cent.

New Orleans, May 15, 1883.

(Signed) L. ARNOLD, *Rec.*

Book 119, pages 100 and 101.

133. *Extract from Act of Sale.*

Bradish Johnson to T. B. Munn, Jr.

Per act passed before John Bendernagle, notary, dated Oct. 16, 1884, Henry D. Forsyth, herein acting for Bradish Johnson, has sold unto Frederick B. Munn, Jr., two certain lots of ground, with buildings and improvements, rights, ways, &c., in the First district, bounded by Canal, Tonti, Gasquet (formerly Jackson), and Miro streets, designated by the Nos. 9 and 10. Said lots measure as follows:

Lot 9 measures 30 front on Canal street by a depth of 135, between parallel lines and lot No. 10, which forms the corner of Canal and Tonti streets; measures 27′ 11″ 1‴ front on Canal street by 135 in depth and front on Tonti street.

Acquired June 23, 1870, Book 96, folio 797, 798.

This sale was made for the sum of eighteen hundred dollars cash.

New Orleans, October 16th, 1884.

JOS. BATT, *R. C.*

Book 121, p. 177.

134. *Extract from Act of Sale.*

Bradish Johnson to Louisiana Sugar Refining Co.

718 By act before Andrew Hero, Jr., not. pub., June 27, 1884, Bradish Johnson, acting for himself and also authorized agent of Helen Wederstrant, widow of John D. Johnson, Helen W. Johnson, wife of William Witmore, Charles Conrad Johnson, Eugene W. Johnson, Louis St. J. Johnson, Irene B. Johnson, wife of Bradish

W. Johnson, has sold unto Louisiana Sugar Refining Company, represented by John S. Wallis, pres't, and John P. Eggleston, sec., a square of ground with all improvements thereon, bounded by Galvez, Perdido, Miro, and Gravier streets, and measuring 264′ 9″ 4‴ front on Gravier St. and Perdido streets, and 449′ 10″ 7‴ front on Galvez and Miro streets.

Acquired March 6, 1848; Sept. 1st, 1883; Jan'y 9, 1884.

This sale is made for $2,750; $916.66⅔ cash and two notes each for $916.66⅔, payable in 1 and 2 years, with interest at the rate of 7 per cent.

New Orleans, July 3, 1884.

JOS. BATT, *D. C.*

Book 119, page 646.

135. *Extract from Act of Sale.*

E. H. Chadwick to Sam. Fox Nichols.

By act before Michael Gernon, notary, dated June 11, 1888,
719 Edmond H. Chadwick sold to Samuel Fox Nichols two lots of ground situated in the first district, in square No. 605, bounded by Palmyra, Banks, White, and Broad (late Jane alley), designated by the Nos. 15 and 16, of square D, on a plan of J. A. D'Hemecourt, surveyor, dated January 10th, 1867, copy of which is annexed to an act of Edward Barnett, late notary, dated March 28th, 1867, and to an act dated April 30, 1870, before W. J. Castell, notary; said lots adjoin each other and measure each according to said plan 25′ 7″ on Palmyra St. by a depth between parallel lines of 100 feet, lot No. 15 forming the corner of Palmyra and White Sts.

Acquired by present vendor from succession — John McVillie by act before Charles T. Soniat, notary, on the 20th December, 1887.

Sold for $200.

Registered June 23, 1888.

A. J. VILLERIE, *Register.*

Book 130, p. 95.

136. *Extract from Bill of Sale.*

Mrs. A. Dericourt, Jr., to Fred. Chateau.

By three several acts before Abel Dreyfous, notary, dated 27th July, 1888, Mrs. Marion Coates, wife of Andie Doricourt, Jr., has sold to Frederick Chateau a lot of ground with improve-
720 ments thereon, situated in the Second district, designated by the No. 5, in square bounded by Bellechasse, St. Philip, Gayoso, Oakes, Urselines, and Dupre Sts., on a sketch of E. Senge, surveyor, hereto annexed, which lot measures in American measure 33′ 2″ 2‴ front on Urselines St. by a depth of 130′ on the division line towards Gayoso St. of lot No. 6, of 124 on the division line towards Dupre St. of lot No. 4, and 32′ 4″ 6‴ on the rear line—the whole more or less.

Acquired on the 7 April, 1888. Registered C. O. B. 129, fo. 115
The sale is made for $115 on terms.
Registered 27th July, 1888.
(Signed) A. J. VILLERE, *Register.*

Same to Jean Batiste Dast.

Four lots of ground, with improvements, and in the same district and same square as the above, designated by the Nos. 1, 2, 23, and 24 as per above sketch, which lots measure in American measure, to wit: Lots 23 and 24, each 24 10 6 front on Dupre St. by 161′ 11″ 6‴ in depth between parallel lines, all more or less; lots Nos. 1 and 2, each 33′ 2″ 2‴ front on Urselines St., 32′ 4″ 6‴ in the rear by the following depths, viz:

Lot No. 1 of 100 front on Dupre St., and lot No. 2 of 106′ on the division line on the side towards Dupre St. of lot 1 and 112 on the other side, all more or less.

Acquired 7 April, 1888. C. O. B. 129, fo. 115.
This sale is made for $400 on terms.
Registered July 27th, 1888.
A. J. VILLERE, *Register.*

721 Same to Simon Manuel Capillon.

Two lots of ground, with improvements, and it is situated in the second district, designated by the Nos. 1 and 2, in square bounded by Dupre, White, St. Philip, and Bellechasse Sts., on the annexed sketch, which lots adjoin each other and measure in A. M.: Lot No. 1, 34′ 11″ 6‴ front on Dupre St., 63 front on St. Philip St., 70″, more or less, front on Bellechasse St., and lot No. 2, 31′ 6″ front on St. Philip St. and 34′, more or less, front on Bellechasse St.

Acquired March 18, 1888. C. O. B. 129, fo. 241.
This sale is made for $200, on credit.
Registered 27th July, 1888.
(Signed) A. J. VILLERE, *Register.*

Book 130, p. 139.

137. *Proces-Verbal and Map, with Prices Stated Thereon, of Auction Sales by Myra Clark Gaines.*

NEW ORLEANS, *June* 20, 1871.

Sold this day, at noon, by public auction, at the Royal Street Auction Exchange, late Bank of Louisiana, corner of Royal and Conti streets, by G. De Feriet, auctioneer, by order and for account of Mrs. Myra Clark Gaines—

1st. A square of ground bounded by St. Ann, Dupre, Orleans, and Gayoso streets, designated by the number 390, divided into 18 lots, numbered from 1 to 18, inclusive, and adjudicated as follows:

722 To C. Deevec, he being the last and highest bidder, at $115 each, $2,070.

2d. A portion of square bounded by Orleans, St. Peter, and Gayoso Sts., designated by the No. 391, divided into 9 lots, numbered from 1 to 9, inclusive, and adjudicated to J. F. Barthelemy, he being the highest and last bidder, at $57.50 each, $517.50.

3. A portion of square bounded by Orleans, Gayoso, St. Peter, and Salcedo streets, designated by No. 404, divided into six lots, numbered from 4 to 9, inclusive, and adjudicated to John Tonglet for account of Wm. H. Lanny, he being the last and highest bidder, at twenty-seven dollars ($27.00), $160.

4th. A square of ground bounded by St. Ann, Gayoso, Orleans, and Salcedo streets, designated by the No. 405, divided into 18 lots, numbered from 1 to 18, inclusive, and adjudicated as follows: Lots # 1 to 9, inclusive, to Arthur Dejean for account of Mrs. A. Dejean, he being the last and highest bidder, at fifty dollars per lot, $450. Lots 10 to 18, inclusive, to E. Pecora, he being the highest and last bidder, at sixty dollars per lot, $3,400.

5. One lot of ground forming the corner of Dumaine and Gayoso streets, measuring 31 feet 6 inches front on Dumaine street by 100 feet in depth and front on Gayoso street, adjudicated to P. Plapp for act of B. Denthee, he being the last and highest bidder, for three hundred dollars, $300.

6. An irregular square of ground bounded by St. Philip, Gayoso, Bellechasse, and Salcedo streets, designated by the No. 408, divided into 11 lots, numbered from 1 to 11, inclusive, and adjudicated to Phillip Avegno, he being the highest and last bidder, at $49, forty-nine dollars per lot, $539.

723

7. A triangular portion of ground bounded by St. Philip, Bellechasse, and Gayoso streets, adjudicated to J. Campbell for $35, thirty-five dollars, $35.

8. Thirteen lots of ground in square bounded — St. Philip, Lopez, Oaks, and Gayoso streets, designated by the No. 408½, adjudicated to Eugene Durrand, he being the highest and last bidder, at thirty-five dollars each, $390.

9. A square of ground of an irregular form, designated by the No. 386, bounded by St. Philip, Bellechasse, Dupre, Urseline, Oakes, and Gayoso streets, subdivided into twenty-two fine lots, numbered from 1 to 22, inclusive, and adjudicated to J. N. Avegno and Lemarie, they being the highest and last bidders, for eighty-one dollars per lot, $1,782.

10. Sixteen lots of ground in square No. 435, bounded by St. John, Lopez, Washington, and Redon streets, numbered from 1 to 10, inclusive, and fifteen to twenty, inclusive, and adjudicated as follows:

Lots 1 to 10 to C. Campbell, at $55 per lot, $550.

Lots 15 to 20 to J. Campbell, at $50 per lot, $300.

11. Twenty-one lots of ground in square No. 411, bounded by St. John, Gayoso, Washington, and Lopez streets, numbered from 7 to 27, inclusive, and adjudicated as follows:

Lots 7 to 10 to Fred. Landreau, he being the last and highest bidder, at $62.50, 250.

Lots 11 to 14 to M. Guerrier, he being the highest and last bidder, at $40 each, 160.

Lots 15 to 24 to Jos. Artigues, he being the highest and
724 last bidder, at $40 each, $400.

Lots 25, 26, & 27, to Jos. Gilbert, he being the highest and last bidder, at $50 each, 200.

12. Six lots of ground in square No. 379, bounded by Washington, Dupre, St. John, and White streets.

Lots 1, 2, 3, and 4, fronting on Washington street, adjudicated to J. Campbell, at $185 each, 740.

Lots 5 and 6, of the same square, adjudicated to P. Ravain, at two hundred and twenty dollars each, 400.

The whole according to descriptive plans made by Louis H. Pilie, surveyor, dated —— —, ——, and upon which the measurements of each lot is accurately noted and the improvements designated.

Terms: One-third cash and the balance on a credit of one and two years in notes by special mortgage and vendor's lien, and bearing eight per cent. interest per annum from the day of sale until final payment, the buildings wherever they occur to be insured and policy transferred to vendor.

The acts of sale to contain the pact *de non alienando* and the clause of five per cent. attorney's commission in case of suit on any of the unpaid notes. The purchaser, over and above the price of adjudication, to assume the payment of all taxes for 1871.

Acts of sale with U. S. internal revenue stamps attached before F. D. Seghers, not. pub., at the expense of purchasers, who will cause their liens to be given to them at their own expense.

(L. s.) (Signed) Pp. G. De FERRIET, *Auctioneer.*
C. W. CULBERTSON, *Deputy.*

725 *Further Conditions Suggested by Mrs. M. C. Gaines.*

The lots are offered by order of Mrs. Myra Clark Gaines. They are sold free from all incumbrances except taxes which the vendor assumes to pay except those for the year 1871, the purchasers to pay the latter and retain the fifteen per cent. of the amount of adjudication, being in conformity with an alleged agreement to pay that amount to Rhoda E. White and John Mack, but for which amount Mrs. Gaines is not liable, and this being only to save the purchasers from any unnecessary delay in the completion of their titles.

(Signed) Pp. G. De FERIET, *Auctioneer.*
C. W. CULBERTSON, *Deputy.*

I, the undersigned register of conveyances, certify that the adjudication sales herein made to Messrs. P. & J. N. Avegno, L. E. Lemarie, and Fred. Landreaux, have been registered in my office in Book 100, folios 102; terms and other clauses, 100, folios 106, 107, 111, 112, 114, 132.

New Orleans, June 30th, 1871.

(Signed) C. B. FISH, *Register.*

(Here follows map marked p. 726.)

727 138. *Court Proceedings in State of Louisiana ex rel. Geo. L. Bright vs. the City of New Orleans No. — Civil District Court, Parish of Orleans.*

STATE OF LOUISIANA:

Civil District Court for the Parish of Orleans.

THE STATE OF LOUISIANA ON THE RELATION OF GEO. L. BRIGHT *vs.* THE RECORDER OF MORTGAGES AND THE CITY OF NEW ORLEANS.	No. 18021. Civil District Court for the Parish of Orleans, Division "E."

Petition. Filed May 31st, 1886.

The petition of the State of La., on the relation of Geo. L. Bright, a resident of New Orleans, shows: That he is the owner of a certain tract of land situate in the city of New Orleans, composed of 28 lots of ground, numbered 1 to 28, fronting on the Metairie road and the new canal, sold by the New Orleans and Banking Company to Jacob M. Williams and Geo. L. Bright, and now known as the Oakland park, *as* is the same property described in the draining books of the city of New Orleans as in Metairie Ridge, having an area of 3,816,603 square feet.

728 2. That there is inscribed in the office of the recorder of mortgages what is known as the draining privilege for a claim for drainage assessment exceeding $100 in amount inscribed more than 10 years ago and in the name of the vendors of your petitioner, The New Orleans Canal and Banking Company, but always reported by the recorder of mortgages as a privilege upon said property.

3. That the judgment of the late 2nd judicial district court for the parish of Jefferson, No. 1938, signed 23 March, 1869, homologating the tableau of drainage assessment, is prescribed by the lapse of 10 years.

4. The claim and the prescription is prescribed by the lapse of 10 years. That the claim or assessment and the judgment was based upon consideration of the purposed benefits that would accrue to the property by the then proposed plan or scheme of drainage equal at least to the amount of the tax.

5. That the consideration has failed—the whole scheme or plan has been abandoned since 1876 and no benefit whatever has accrued to your petitioner's property by reason of any work that may have been done by the drainage commission or their successors, and it is against equity and good conscience to attempt to enforce said claim or judgment or to keep petitioner's property burdened with said privilege.

Wherefore, relator prays that the city of New Orleans through the mayor, the premises considered, your relator prays for a writ of mandamus directed to the recorder of mortgages for the parish of

Orleans, to the officers of the city of New Orleans, and to the city of New Orleans, directing them and each of them to cancel
729 and erase from the records of their respective offices and from the records in their possession or under their control all and any inscription known as the draining privilege inscribed in the name of Geo. L. Bright or The New Orleans Canal and Banking Company or in any other name, all mortgages, liens, and privileges and judgments to recover any and all claims for drainage against the aforesaid property, viz., a tract of land situate in the city of New Orleans composed of 28 lots of ground, numbered from 1 to 28, fronting on the Metairie road and the new canal, sold by the New Orleans Canal and Banking Company to Jacob M. Williams and Geo. L. Bright, and now known as the Oakland park, and is the same property described on the drainage books of the city of New Orleans as on Metairie Ridge, having an area of 3,816,603 square feet, or show cause on a day to be fixed why they should not do so.

And your relator prays for general relief.

(Signed) GEO. L. BRIGHT,
Att'y and in Proper Person.

Service accepted. Copy to be furnished.

(Signed) W. H. ROGERS,
City Att'y.

E. K. SKINNER, *Att'y.*

Order.

RECORDER OF MORTGAGES,
NEW ORLEANS, *May 26th*, 1886.

Let alternative writs of mandamus issue, as herein prayed for and according to law, returnable on Friday, the 4th day of June,
730 1886, at 11 o'clock a. m.

New Orleans, — 1886.

(Signed) HENRY L. LAZARUS, *Judge.*

Judgment. Rendered June 7th, 1886.

Civil District Court for the Parish of Orleans.

THE STATE OF LOUISIANA on the Relation of GEO. L. BRIGHT
vs.
THE RECORDER OF MORTGAGES AND THE CITY OF NEW ORLEANS. } No. 18021.

This cause came on for argument this day.

Present: The relator, Geo. L. Bright, in proper person; W. H. Rogers, Esq., for the city of New Orleans.

The law and the evidence being in favor of the relator—

It is ordered, adjudged, and decreed that a writ of mandamus issue directing the recorder of mortgages for the parish of Orleans,

the officers of the city of New Orleans, the mayor of the city of New Orleans, and each of them to cancel and erase from the records of their respective offices and from the records in their possession or under their control all and any inscriptions known as the draining privilege inscribed in the name of George L. Bright or the New Orleans Canal and Banking Company or in any other name,
731 all mortgages, liens, and privileges and judgments to secure any and all claims for drainage against the property described in plaintiff's petition, viz:

A tract of land situated in the city of New Orleans, composed of 28 lots of ground, numbered from 1 to 28, fronting on the Metairie road and the new canal, sold by the New Orleans Canal and Banking Company to Jacob McWilliams and George L. Bright and now known as the Oakland park, and is the same property described in the drainage books of the city of New Orleans as on Metairie Ridge, having an area of 3,816,603 square feet.

And it is further ordered, adjudged, and decreed that the judgment rendered by the late 2nd judicial district court for the parish of Jefferson, in matter No. 1938, in the matter of commissioners of the 2nd sewering and drainage districts, on the 29th April, 1861, decreeing the drainage privilege and the judgment rendered on 23 March, 1869, homologating the tableau of drainage assessment, be cancelled and annulled so far as they affect or can affect the property in this judgment described and belonging to the relator.

And it is ordered that the city of New Orleans pay the costs of these proceedings.

Judgment rendered June 7th, 1886.

Judgment signed June 14th, 1886.

(Signed) HENRY L. LAZARUS, *Judge.*

True copy from the originals on file in this office.
Clerk's office, New Orleans, January 29th, 1889.

[L. S.] (Signed) E. A. LUMINAIS, *Clerk.*

732 I do further certify that it does not appear from the fee docket and the record in this case that any answer has been filed by the defendants to the pleadings of the plaintiff.

Clerk's office, New Orleans, January 30th, 1889.

(Signed) E. A. LUMINAIS, *Clerk.* [L. S.]

139. *Court Proceedings in State of Louisiana ex rel. Bradish Johnson vs. City of New Orleans.*

STATE OF LOUISIANA:

Civil District Court for the Parish of Orleans.

STATE OF LOUISIANA *ex Rel.* BRADISH JOHNSON
vs.
EUGENE MAY, Recorder of Mortgages, & CITY OF NEW ORLEANS.
} No. 10008. Division "D."

Petition. Filed November 28, '83.

To the honorable the civil district court for the parish of Or-
733 leans:

The petition of the State of Louisiana *ex relatione* Bradish Johnson, residing in New Orleans, respectfully represents that your relator is the owner of the following-described property, to wit:

The two undivided third parts of three certain squares of ground with all the rights, privileges, customs, servitudes, ways, and appurtenances, situated in the rear of the Faubourg St. Mary, in the first district of this city, designated by the numbers ten, forty-seven, and forty-nine.

Square number ten, bounded by Poydras, Perdido, Miro, and Galvez streets, and containing twenty-six lots, numbered from one to twenty-six, inclusive; square number forty-seven, bounded by Gravier, Common, Tonti, and Rocheblave streets, and containing thirty-two lots, from one to thirty-two, inclusive.

And square number forty-nine, bounded by Gravier, Common, Dorgenois, and Broad streets, containing forty-four lots, numbered from one to forty-four, inclusive.

That there is inscribed in the name of your relator against said property on the books of the recorder of mortgages of the parish of Orleans for a tax or assessment for the drainage of said property a privilege or mortgage in favor of the city of New Orleans.

That your relator is desirous of selling said property, which he is prevented from doing by reason of said encumbrance, and that said privilege and mortgage should be erased and cancelled from the books of said recorder of mortgages on the following grounds,
734 to wit:

1. That no consideration exists or has ever existed or benefit derived by your petitioner to justify the imposition of a drainage assessment or tax against said property.

2. Said property had already been drained and the assessment for the said drainage paid to the New Orleans Drainage Company.

3. That the drainage work undertaken by the city of New Orleans, under color of the acts of 1858, 1859, and 1871, *have* not been carried out, but on the contrary *have* been abandoned.

Wherefore your relator prays that an alternative writ of mandamus issue herein, directed to Eugene May, recorder of mortgages of the parish of Orleans, commanding him to erase and cancel from the books of the mortgage office of the parish of Orleans any and all incriptions of any tax or assessment or judgment thereon recorded in the name of your petitioner and against said property, and that he, the city of New Orleans through its proper officers, be ordered to show cause on —— the — day of ——, 1883, at 11 a. m., why said mandamus should not be made peremptory and for costs and all general and equitable relief.

(Signed) T. GILMORE & SONS, *Att'ys.*

STATE OF LA. *ex Rel.* BRADISH JOHNSON
vs.
EUGENE MAY, Recorder of Mortgages, *& al.*
No. 10008. Division "D."

735 *Judgment.*

This cause came up this day for trial.

T. Gilmore & Sons for plaintiff.

Respondents absent and not represented.

When, after hearing pleadings, evidence, and counsel, for the reasons orally assigned by the court, the law and evidence being in favor of relator—

It is ordered, adjudged, and decreed that the mandamus herein issued be made peremptory, and, accordingly, that the recorder of mortgages be, and he is hereby, commanded to cancel and erase from the books of said office of recorder of mortgages any and all inscriptions of any tax or assessment for drainage or judgment thereon recorded against the following-described property in the name of the relator herein, to wit:

The two undivided third parts of three certain squares of ground, with all the rights, privileges, customs, servitudes, ways, and appurtenances, situate in the rear of the Faubourg St. Mary, in the first district of this city, designated by the Nos. ten, forty-seven, and forty-nine.

Square No. ten, bounded by Poydras, Perdido, Miro, and Galvez streets, and containing twenty-six lots, numbered from one to twenty-six, inclusive; square No. forty-seven, bounded by Gravier, Common, Tonti, and Rocheblave streets, and containing thirty-two lots, from one to thirty-two, inclusive; and square No. forty-nine, bounded by Gravier, Common, Dorgenois, and Broad streets, and containing forty-four lots, numbered from one to forty-four, inclusive.

Judgment rendered December 21, 1883.

Judgment signed January 9, 1884.

(Signed) N. H. RIGHTOR, *Judge.*

736 STATE OF LA. *ex Rel.* BRADISH JOHNSON } No. 10008.
vs. } Division "D."
EUGENE MAY, Recorder of Mortgages, & *al.* }

Motion to Extend Judgment. Filed May 20, '87.

On motion of T. Gilmore & Sons, of counsel for relator herein, and on suggesting to the court that, on the 21st day of January, 1883, a judgment was rendered by this hon'ble court and signed on January 4th, 1884, making the mandamus applied for herein peremptory, and ordering the cancellation from the books of the recorder of mortgages of the parish of Orleans of any and all inscriptions of any tax or assessment for drainage or judgment thereon recorded against the following-described property in the name of the relator herein, to wit:

The two undivided third parts of three certain squares of ground, with all the privileges, customs, servitudes, ways, and appurtenances, situate in the rear of the Faubourg St. Mary, in the first district of this city, designated by the Nos. ten, forty-seven, and forty-nine, square No. ten, bounded by Poydras, Perdido, Miro, and Galvez streets, and containing twenty-six lots, numbered from one to twenty-six, inclusive; square No. forty-seven, bounded by Gravier, Common, Tonti, and Rocheblave streets, and containing thirty-two lots, from one to thirty-two, inclusive; and square number forty-nine,
737 bounded — Gravier, Common, Dorgenois, and Broad streets, and containing forty-four lots, numbered from one to forty-four, inclusive;

And on further suggesting that at the time said judgment was rendered relator was and is now the owner of the other undivided third part of said three squares of ground, but that through error and inadvertence it was not so stated in the petition for a mandamus and the said judgment thereon, it is ordered by the court that said defendants, The City of New Orleans and the Recorder of Mortgages, show cause on Friday, the 20th day of May, 1887, at 11 a. m., why the said judgment should not be extended so as to include the cancellation of the inscription of drainage tax or assessment recorded against the remaining undivided third of said property.

Service of the within rule accepted and matter submitted.

N. O., May 12th, 1887.

(Signed) WYNNE ROGERS,
Ass't City Attorney.

(Signed) JOHN J. FINNEY,
Att'y for Recorder of Mortgages.

Civil District Court for the Parish of Orleans, Division "D."

STATE OF LOUISIANA *ex Rel.* BRADISH JOHNSON
vs.
EUGENE MAY, Recorder of Mortgages, *et al.* } No. 10008.

On rule to extend judgment.

738 In this matter, submitted to the court for adjudication, the court considering the law and evidence to be in favor of relator, plaintiff in rule herein, it is ordered that said rule be made absolute, and that the judgment herein rendered on the 21st December, 1883, and signed on 9th of January, 1884, be extended so as to include the cancellation of the inscription of the drainage tax or assessment recorded against the remaining one undivided third of the property described in said judgment, to wit:

Three certain squares of ground, with all the rights, privileges, customs, servitudes, ways, and appurtenances, situate in the rear of the Faubourg St. Mary, in the first district of this city, designated by the numbers ten, forty-seven, and forty-nine.

Square No. ten, bounded by Poydras, Perdido, Miro, and Galvez streets and containing twenty-six lots, numbered from one to twenty-six, inclusive; square No. forty-seven, bounded by Gravier, Common, Tonti, and Rocheblave streets and containing thirty-two lots, — from one to thirty-two, inclusive, and square No. forty-nine, bounded by Gravier, Common, Dorgenois, and Broad streets, containing forty-four lots, numbered from one to forty-four, inclusive; and that accordingly the recorder of mortgages be, and he is hereby, commanded to cancel and erase from the books of said office of recorder of mortgages any and all inscription of any tax or assessment for drainage or judgment thereon recorded against the property described herein in the name of relator.

Judgment rendered May 20, 1887.

Judgment signed May 26, 1887.

(Signed) N. H. RIGHTOR, *Judge.*

739 *Mortgage Certificate. Filed Dec.* 24, '83.

STATE OF LOUISIANA, }
Parish of Orleans. }

OFFICE OF RECORDER OF MORTGAGES.

The undersigned, recorder of mortgages for the parish of Orleans, State of Louisiana, certifies that in the records of this office there are no other mortgages standing in the name of Bradish Johnson and recorded against—

1. Square 47, bounded by Gravier, Common, Tonti, and Rocheblave Sts., containing 32 lots, numbered from 1 to 32, inclusive.

2d. Square No. 49, bounded by Gravier, Common, Dorgenois, and Broad Sts., containing 44 lots, numbered from 1 to 44, inclusive—

Than the draining privilege.

B'k 92, fol. 620, rec'd May 25, 72. The mortgage he granted in favor of L. F. Generis, per act before Jno. G. Eustis, notary, dated May 4, 1872, to secure the sum of $6,000, interest and costs against 2d property.

B'k 199, f. 80.	One m't'ge, State taxes	1880, ass't at	$400.	1st prop.
80.	One		400.	"
80.	One		400.	"
80.	One		200.	"
216, f. 73.	One	1881,	400.	"
73.	One		400.	"
73.			400.	"

740

B'k 216, f. 73.	One m't'ge, State taxes	1881, ass't at	$150.	1st prop.
73.	One		200.	"
241, f. 84.	One	1882,	150.	"
	One		400.	"
	One		400.	"
	One		400.	"
	One		150.	"
	One		200.	"
B'k 257, f. 88.	One	1883,	100.	"
	One		700.	"
	One		100.	"
	One		600.	"
	One		1,300.	"
	One		150.	"
	One		400.	
	One		400.	
	One		515.	
	One		400.	"
	One		600.	"
B'k 257, f. 88.	One		150.	"
	One		200.	"
	One		400.	"
	One		1,500.	"

New Orleans, December seventh, 1883.

(Signed) EUGENE MAY, *Rec.*

True copies from the originals on file in this office.
Clerk's office, New Orleans, January 29th, 1889.

[L. s.] (Signed) E. A. LUMINAIS, *Clerk.*

741 I do further certify that it does not appear from the fee docket and the record in this case that any answer has been filed by the defendants to the pleadings of the plaintiff.

Clerk's office, New Orleans, January 30th, 1889.

[L. s.] (Signed) E. A. LUMINAIS, *Clerk.*

140. *Opposition of W. O. Denegre.*

Seventh District Court.

STATE OF LOUISIANA:

Seventh District Court for the Parish of Orleans.

No. 9189.

In the matter of the commissioners of the first draining district, etc.

Opposition. Filed December 23, 1871.

The opposition of William O. Denegre, a resident of the city of New Orleans; of Virginia Morgan, residing in Philadelphia, State of Penn., and of W. O. Denegre and Isaac Smith Hyams, the latter residing in the city of New Orleans, shows with respect that these opponents are the owners of the following parcels of real estate:

Virginia Morgan owns—2nd district—square 594, bounded by Murat, Olympia, St. Louis, and Conti streets; 8 lots in said square.

Square No. 602—St. Louis, Toulouse, Olympia, St. Patrick; 24 lots.

742 Square 582—Alexander, Bienville, Murat, and Conti streets; 12 lots.

1st district, square 779—Baudien, D'Hemecourt, Carrollton avenue, and Solomon streets; entire square.

W. O. Denegre and Isaac Smith Hyams, square 593—Toulouse, St. Louis, Murat, Olympia; entire square.

W. O. Denegre owns—square 607—St. Peter's, Toulouse, St. Patrick, Bernadotte; 15 lots.

Square 575—Toulouse, St. Louis, Napoleon, and Alexander streets; lower half of said square.

Square 581—Alexander, Custom-House, Murat, and Bienville streets; lower half of square.

Square 582—Alexander, Bienville, Murat, and Conti streets; 3 lots.

Square 577—Napoleon, Bienville, Alexander, and Conti streets; entire square.

And these opponents oppose the tableau herein filed on the following grounds, to wit:

1st. That the act approved the 18th of March, 1858, is no longer in force, but has been repealed by an act passed the 2nd March, 1869, and an act approved March 16, 1870.

2nd. That the lands of these respondents are not included in the lands contemplated by the said act of 1858, and they are not swamp lands.

3rd. That petitioners have failed utterly to perform the acts and discharge the duties imposed upon them by law.

That they have not constructed the works, made and de-
743 posited the plans, given notice by petition as by said act they are required to do, and they especially deny that the

said commissioners appointed by the said act of 1858 have ever entered upon the lands included in the said district or marked or designated any lines or canals within the district whereon the property of these opponents is located.

4th. That the property belonging to opponents has heretofore been drained, and the assessments for such drainage have been paid, and that by the provisions of the act of the 20th March, 1839, under which such drainage has been effected, the said lands were exempted from future assessments for drainage, and that it is the duty of the city of New Orleans to keep said property drained at its own expense under the law, and that the act of the 18th of March, 1858, is contrary to art. — of the constitution of the State and of the United States.

6th. That the assessment made by the said petitioners or by the commissioners under the act of 1858 is not equal and uniform, but is unjust and oppressive and in violation of the constitution of the State.

These opponents pray that their opposition may be maintained, and the charges against them as assessments or their property in the said tableau may be stricken therefrom.

(Signed) W. O. DENEGRE,
For Opponents.

Order.

Let this petition and opposition be filed.
New Orleans, Dec. 23rd, 1871.
(Signed) T. WHARTON COLLINS, *Judge.*

744 141. *Opposition of P. Irwin and Others.*

Seventh Dist. Court.

STATE OF LOUISIANA:

Seventh District Court for the Parish of Orleans.

No. 9189.

In the matter of the commissioners of the first draining district of the city of New Orleans praying for the homologation of the tableau of assessment.

Opposition of P. Irwin and others. Filed January 9, 1872.

To the honorable the judge of the seventh district court for the parish of Orleans:

The several oppositions of Patrick Irwin, Hugh McCloskey, John Henderson, P. B. O'Brien, Mathew E. Bailey, M. J. Justin, and Mrs. B. Quige, citizens of the United States, residing in the city of New Orleans, respectfully show—

That they are the owners of lots and squares of land within the

limits designated in the acts hereinafter referred to as the first and second assessment districts and within the limits of Claiborne street, Metairie Ridge, the Canal Carondelet, and the New canal of the New Orleans Canal and Banking Company, and that they severally oppose the homologation of the assessment-rolls or tableau herein filed for the following reasons:

1st. Because the acts of the Legislature of this State of the 18th March, 1858, No. 165, and the act of the 17th of March, 1859, No. 191, are no longer in force, but are repealed by an act of the Legislature approved on the 16th day of March, 1870, No. 4.

745 2d. But even if said acts are not repealed the same are null and of no effect, for this: That said acts contravene the provisions of articles Nos. 105 and 123 of the constitution of this State of 1852, and are in violation of the provisions of arts. 110 and 118 of the present constitution of this State.

And the act of the 17th of March, 1859, was and is likewise repugnant to and in violation of articles 115 and 116 of the constitution of 1852, and contravenes articles 114 and 115 of the present constitution.

That the act of the General Assembly of this State of 1871, No. 30, is likewise in violation of the same articles of the present constitution of this State above mentioned, and all of said acts are repugnant to the Constitution and laws of United States.

3rd. Your opponents further allege that said acts have remained unexecuted, and the rights, powers, and privileges thereby sought to be conferred have been lost by a non-compliance with the provisions thereof; that the commissioners have failed to perform the duties imposed upon them by said several acts, and particularly in this, that they have not constructed the works nor made nor deposited the plan, nor have they given notice by publication as by the act of 1858 they were required to do, and especially that they have not entered upon the lands included in the district nor marked or designated any lines or canals within the district where the property of these opponents is located.

4th. Your opponents show that their several lots and squares are not now and were not at the time of the passage of said acts swamp lands, but, on the contrary, all of their lands were well

746 drained, and their lands lying between Claiborne street and the Metairie Ridge, the Canal Carondelet, and the New canal had been thoroughly and efficiently drained by the New Orleans Draining Company, chartered in the year 1835, at the sole expense of the properties of the land embraced within the said limits, which expense your petitioners or those through whom they derive title have severally paid and discharged, and that, as a consideration for such payment and for the benefit thereby conferred upon the public at large, it was by the 13th section of the act of the 20th of March, 1869, No. 491, provided that the municipalities of the city of New Orleans in which said section was situated "shall thereafter maintain the ditches and levees made by the said draining company and the machinery and other works erected by the same on the said sec-

tions in good repair and efficient condition without even laying an extra tax on the lands so drained."

That the attempt now made to levy or impose an assessment or tax upon the property so situated is in violation of said act of 1839, which had and still has the force and effect of a contract, and the said acts of 1858, 1859, and 1871, in so far as they affect the rights secured to your petitioners by said act, are contrary to article 110 of the constitution of this State and to the Constitution and laws of the United States, and are null and void.

5th. That the exemption of the proprietors of land within the section drained as aforesaid by the New Orleans Draining Company from taxation or assessment for future drainage operations in virtue of the act of 1839 has been often and repeatedly adjudged by
747 the courts of this State, and has been acquiesced in and acknowledged by the commissioners appointed under the act of 1858 and by the city of New Orleans.

And the said commissioners and administrators are estopped from urging the claim herein made in violation of the exemption thus acquired by your opponents as aforesaid.

6th. That this court is without jurisdiction of the several demands made against your opponents on said tableau, and that the demands aforesaid are prescribed for ten years.

Your opponents show that they herewith file their titles to property sought to be subjected to burthens for drainage as aforesaid, which they pray may be taken and considered as a part of this opposition.

Wherefore they pray that said acts of 1858, 1859, and 1871 may be declared repealed or null and void; that the demand of the administrators herein be rejected, the property and names of your opponents be stricken from said tableau, and said tableau be dismissed with costs, and for general relief.

(Signed) GILMORE AND SONS, *Att'ys.*

142. *Opposition of Henrietta Davidson, Executrix.*

STATE OF LOUISIANA:

Seventh District Court for the Parish of Orleans.

No. 9189.

748 In the matter of the commissioners of the first draining district, pray-, etc.

Exception and opposition of Mrs. Henrietta Davidson.

And now, for the purposes of this exception, comes into court Mrs. Henrietta Davidson, widow and testamentary executrix of John Davidson, deceased, and avers that the succession of said John Davidson is now open and under administration in the hon'ble the 2nd district court of this parish.

Your appearer, therefore, as in duty bound, excepts to the juris-

diction of this honorable court and prays that the application of plaintiffs be dismissed so far as this succession is concerned.

And in the event of said exception being overruled and then reserving all the benefits of said exception on appeal, your appearer, as executrix aforesaid, respectfully opposes the approval and homologation of the assessment-rolls filed herein upon the following grounds:

1st. The various acts passed by the Legislation having reference to this subject and upon which this claim is predicated are all unconstitutional, null, and void—

(1) Because they provide for a tax which is not equal and uniform throughout the State, and delegate a sovereign power.

(2) Because they violate the constitution of this State, in that their direct effect is to take from the people a power which, from time immemorial, has been exercised through their local municipal governments and confer it upon the Legislature.

749 That the right to manage their local affairs and administer their property through representatives in their municipal governments is inherent in the people of every State in this Union, antedating their contitutions, and reserved by implication in those instruments.

It also, therefore, violates article 4th, section 4th, Constitution of the United States.

2nd. If said acts be regarded as an exercise of the right of eminent domain they are still unconstitutional, because they violate act 100 of the constitution of this State, article 105 of the constitution of 1852, and article 5, amendments of 1791, Constitution of the United States, in that they deprive of property without due process of law, and in that they divest vested rights, and that for no purpose of public utility and without adequate compensation made in the manner pointed out in those constitutions.

The claim of plaintiff is based ultimately upon the statutes of 1858, 1859, and 1861, passed under the State constitution of 1852, under which a devestation of vested rights could only take place for adequate compensation previously made.

That the claim of this assessment is made in advance of a performance of the work and before there can be even a pretense that a benefit has been already conferred upon the property or person assessed.

3rd. Whether said assessment be the exercise of the right of eminent domain or merely that of police power, the Legislature can have no right more than the lowest sum for which the benefits could be conferred on the property; consequently, not more

750 than the sum for which individuals, the city, or the State could have obtained the accomplishment of the said benefit.

The assessment herein claimed is to be paid out at the rate of 50 cts. per cubic yard for excavation and 50 cts. per cubic yard for levees or to meet the payment of certificates, one of which is hereto annexed, marked "B" and made part hereof; and the truth is that the board of administrators could have obtained the performance of this work at much less cost.

4th. Because the effect of the homologation herein sought is to appropriate the property of individuals, on the one hand, and illegally confer it on corporations on the other.

This oppression and confiscation, as will be shown on trial hereof, has been exercised heretofore and is herein again attempted under color of law.

5th. Because the homologation is to operate as a judgment "against the property assessed and the owners thereof, on which execution may issue as on judgments rendered in the ordinary mode of proceedings."

Many superficial feet are not worth the amount of the assessment. Any such judgment, therefore, violates articles 5th, 13th, and 14th of the amendments of the Constitution of the United States and articles 2nd, 3rd, and 110th of the constitution of the State, as it creates a personal servitude, exacting the fruits of personal labor, as it takes private property for public utility without just compensation, without due process of law, and abridges the privileges and immunities of citizens.

6th. Because under the drainage acts this proceeding is ir-
751 regular and unwarranted, even if such acts were constitutional, which is denied. No assessment-roll can be filled until a demand is made for an installment, which shall not exceed $(\frac{1}{10})$ one-tenth of the entire assessment, and not more than one installment can be called for during one year.

The judgment herein sought is for over $450,000, while the acts do not allow a larger assessment than to realize the sum of $350,000.

The amounts already realized in the first draining district, including property certificated, reach $300,000, leaving a balance of not more than $50,000 to be claimed in said district in any view of the case.

7th. That the act of 1839 distinctly recognizes the constitutional objection to the levy of this assessment in advance of the drainage of the district and undertakes to provide a means of escape from the difficulty.

The money necessary for drainage purposes under the provisions of that act may be raised by issuing bonds, which bonds were, in the contemplation of the act, only to be redeemed as the work progressed.

These bonds have never been issued, but an assessment is now sought to be enforced to meet both their principal and interest, and that without the benefit which it was contemplated would accrue from the use of the money which said bonds were to realize.

8th and lastly. Your appearer adopts all the oppositions made by
W. O. Denegre and Patrick Irwin, as far as applicable to this case and not inconsistent with anything heretofore alleged, and
752 pleads the prescription of ten years.

Wherefore your appearer prays that the demand of the board of administrators, etc., to have this assessment-roll homologated be disallowed and rejected so far as it affects the succession of John Davidson or property standing in his name and as shown by

the annexed list marked "A" and made a part of this opposition, and appearers pray for all general and equitable relief, and will ever pray, etc.

(Signed) H. N. OGDEN,
Att'y for Executrix.

List of Property Marked "A" Annexed to Exceptions.

1st district. Square 16—Fulton, Peters, Poydras, and Lafayette.
Square 18—Fulton, Peters, Girard, and Norten Daene.
Square 216—St. Charles, Carondelet, Julia, and Gerard.
Square 220—St. Charles, Carondelet, Poydras, and Lafayette.
Square 629—Palmyra, Banks, Dupre, Gayoso.
Square 655—Palmyra, Banks, Salcedo, Lopez.
Square 729—Palmyra, Banks, Telemaque, Cortez.
2nd district. Allan Place—Metairie road, Bayou St. John, and New canal property.
Square 459—Toulouse, St. Peters, Hagan avenue, and Bayou St. John.
1st district. Square 328—Franklin, Liberty, Julia, Girod.

758 *Statement Showing the Total Assessment Levied, at $3\frac{3}{10}$ Mills, in the First Drainage District, from Julia to St. Peter St. & Carondelet Walk and from the Mississippi River to Lake Pontchartrain.*

Sec. 1st. Between river and Claiborne St.:				
Individuals	56,217 24			
City of New Orleans	2,507 08			
U. S. custom-house	327 63			
University of Louisiana	204 32			
		59,256 27		
City New Orleans, streets	31,421 19			
			90,677	46
Sec. 2nd. Between Claiborne St. & Metairie R'd:				
Individuals	151,954 50			
City of New Orleans	105 80			
		152,060 30		
City of New Orleans, streets	79,690 09			
			231,750	39
Sec. 3rd. Between New & Old Metairie R'd:				
Individuals	4,489 33		4,489	33
Sec. 4th. Between Metairie R'd & the Lake:				
Individuals	97,085 27			
City of New Orleans (City park)	16,792 55			
Different asylums, &c.	167,605 10			
		281,482 92		
City of New Orleans, streets	143,001 70			
			424,484	62
Total am't of assessment, 1st dr'g dist.			$751,401	80

RECAPITULATION.

	City N. O., park & property.	Individuals, &c.	City N. O., streets, &c.	
Sec, 1st	2,507 08	56,749 19	31,421 19	90,677 46
" 2	105 80	151,954 50	79,690 09	231,750 39
" 3		4,489 33		4,489 33
" 4	16,792 55	264,690 37	143,001 70	424,484 62
	19,405 43	477,883 39	254,112 98	751,401 80

Total assessment to individuals & asylums		477,883 39	Individuals, &c.
Total to city, park & property	19,405 43		
" " " for streets	254,112 98	273,518 41	City of New Orleans.
	273,518 41	751,401 80	

754 *Statement Showing the Number of Superficial Square Feet and the Assessment, at 2 Mills, in the Second Draining District, which Commences at Julia Street and Extending to the Upper Line of Carrollton — River to Lake.*

	Superficial sqr. feet.	Assessment.
From Julia to Thalia streets are	20,092,918 at 2 mills	40,185 85
" Thalia to Felicity " "	10,993,031 " "	21,986 05
" river to Carondelet street are	21,135,500 " "	42,271 00
" Carondelet to Carrollton Ave. are	19,674,535 " "	39,349 05
" Toledano to Hurstville are	88,515,100 " "	177,030 25
" Hurstville to Metairie Ridge	85,280,450 " "	170,560 95
The town of Carrollton	79,411,775 " "	158,823 45
" canal bank tract from Metairie to lake	15,771,925 " "	31,543 85
Total in squares and streets and payable in 10 installments	340,875,234	681,750 45
From which deduct the 9th & 10th installments, as per act of Legislature approved June 28, '67		136,350 10
Total assessment in squares & streets		545,400 35
City N. Orleans, streets and public squares:	34,863,950 at 2 mills	69,727 90
In New Orleans	26,931,000 " "	53,862 00
" city of Jefferson	3,299,560 " "	6,599 12
" Hurstville, p'r Jefferson	1,477,970 " "	2,955 94
" Bloomingdale, "	3,381,960 " "	6,768 92
" Burtheville, "	413,500 " "	827 00
" Foucherville, "	2,353,750 " "	4,707 50
" Greenville, "	1,898,775 " "	3,797 55
" Friburg, "	1,008,500 " "	2,017 00
" Marley, "	136,480 " "	272 96
" Metairie road, "	20,068,500 " "	40,137 00
" Carrollton	95,833,945	191,667 89
Total of streets & public squares, sup. feet		

RECAPITULATION.

Total assessment of 10 installments on property, individuals	490,082 56		
Less the 9th & 10th installment-, act June 28, '67	98,016 52	Individuals.	392,066 04
Total assessment of 10 installments on streets and public squares	191,667 89		
Less the 9 & 10th installment-, act June 28, '67	38,333 58	Streets & pub. sqrs.	153,334 31
Total am't of ass't in 2nd d'g dist., individuals, streets, & sqrs.			545,400 35

755 *Statement Showing the Number of Superficial Square Feet and the Assessment of 2 Mills in the Third Draining District, which Commences at St. Peter St. to Lafayette Ave. and from the River to the Lake.*

Area of the 3rd draining district.

	Streets.	Squares.	Total.
As per Plan Book No. 1, sup'l sq. feet	11,391,918	21,920,264	33,312,182
" " No. 2, " "	9,499,072	22,948,120	32,447,192
" " " 3, " "	9,033,460	20,325,073	29,358,533
" " " 4, " "	7,173,956	14,726,816	21,900,772
" " " 5, " "	10,764,240	22,322,212	33,086,452
" " " 6, " "	11,566,700	23,424,962	34,991,662
" " " 7, " "	8,397,590	18,779,130	27,176,720
" " " 8, " "	8,264,010	15,564,100	23,828,110
" " " 9, " "	12,929,040	24,770,978	37,700,018
" " " 10, " "	13,493,410	26,504,419	39,997,829
Superficial sqr. feet	102,513,396	211,286,074	313,799,470
Assessment of two mills	2 mills	2 mills	2 mills
	$205,026 79	$422,572 14	$627,598 94

Total assessment against individuals	$422,572 14
" " city, streets	205,026 79
Total assessment	$627,598 94

756 *Statement Showing the Number of Superficial Square Feet and the Assessment of 2 Mills in the Fourth Draining District, which Commences at Lafayette Ave. to Froherman's Canal & from the River to Florida Walk.*

Area of 4th draining district.

	Streets.	Squares.
As per Plan Book No. 1, sup'l feet	8,713,573.03	27,630,781.86
" " do. do. 2, " "	9,389,551.54	23,484,923.05
" " do. do. 3, " "	7,569,537.35	42,213,735.61
" " do. do. 4, " "	7,305,727.21	14,400,579.04
Total area streets	32,978,389.13	107,730,019.56
" " squares	107,730,019.56	
Grand total, sup'l feet	140,708,408.69	
	2 mills	
	$281,416 81	

	Sup'l feet.	
Total assessment to individuals	107,730,019, at 2 mills	$215,460 03.8
" " city New Orleans, streets	32,978,389, " "	65,956 77.8
		$281,416 81

757 RECAPITULATION.

Total amount of gold bonds issued in exchange for drainage warrants	$1,672,105.21
Total amount of drainage warrants exchanged for gold bonds, "as above," face value	1,501,494.39

758 *Statement Showing Issuance of Gold Bonds to Drainage-Warrant Holders and Face Value of Said Drainage Warrants from May, 1872, to December 31st, 1874.*

1872.				
May 10.	Issued to J. W. Pearce # 1 to 23, for drainage w'ts, to M. & M. G. Ship C. Co.	54,709 37	62,846 67	54,709 37
	Interest to date @ 8% per an.	1,852 64		
		56,562 01		
	Equal, @ 90c. on the dollar, to	62,846 67		
May 16.	Issued to J. W. Pearce #24 to 30, for drainage w'ts, to M. & M. G. Ship C. Co.	22,549	25,281 19	22,549
	Interest to date @ 8%	204 07		
		22,753 07		
	Equal, @ 90c. on the dollar, to	25,281 19		
May 25.	Issued to Robt. Shortridge # 31 to 43, for drainage w'ts, to M. & M. G. Ship C. Co.	25,410	29,162 30	25,410
	Interest to date @ 8%	836 07		
		26,246 07		
	Equal, @ 90c. on the dollar, to	29,162 30		

1872.				
June 10.	Issued to Robt. Shortridge #44 to 58, for drainage w'ts, to M. & M. G. Ship C. Co.	71,187 62	80,255 63	71,187 62
	Interest to date @ 8%	1,042 45		
		72,230 07		
	Equal, @ 90c. on the dollar, to	80,255 63		
June 14.	Issued to Alex. Walker # 59 to 63	4,000	4,444 44	4,000
June 28.	Issued to Robt. Shortridge # 64 to 68, for drainage w'ts, to M. & M. G. Ship C. Co.	70,203 62	80,729 13	70,203 62
		2,452 60		
		72,656 22		
	Equal, @ 90c. on the dollar, to	80,729 13		
July 10.	Issued to Robt. Shortridge # 69 to 71, for drainage w'ts, to M. & M. G. Ship C. Co.	37,112 87	41,236 52	37,112 87
	Equal, @ 90c. on the dollar, to	41,236 52		
July 5.	Issued to L. F. Barrett # 72, for drainage cert. # 8 B, to Kearny, Blois & Co.	20 79	24 07	20 79
	Interest to date @ 7.30 per annum	87		
		21 66		
	Equal, @ 90c. on the dollar, to	24 07		
July 23.	Issued to Robt. Shortridge 73 to 75, for drainage w'ts, to M. & M. G. Ship C. Co.	14,258	16,222 44	14,258
	Interest to date @ 8%	342 20		
		14,600 20		
	Equal, @ 90c. on the dollar, to	16,222 44		
	Amount carried forward		340,202 39	299,451 27
759				
	Amount bro't forward		340,020 39	299,451 27
1872.				
July 27.	Issued to Jean Ferrand #76, 77 in settlement for land appr'n, etc., "Orleans Cenl."	540	600	540
"	Issued to Jean Denniss # 78, 79 in settlement as above	1,388	1,542 22	1,388
	Issued to M. Neuhauser # 80 in settlement as above	1,504	1,671 11	1,504
	Issued to Jean Bordes # 81, 82 in settlement as above	560	622 22	560
	Issued to wid. John O'Brien # 83, 84 in settlement as above	550	611 11	550
	Issued to Jacob Weilbrenner # 85, 86 in settlement as above	712	791 11	712
	Issued to P. Cantaron # 87 & 88 in settlement as above	1,553 80	1,726 44	1,553 80
	Issued to Jean Cazamayon # 89, 90 in settlement as above	315	350 00	315

1872.				
July 27.	Issued to J. M. Saux # 91 & # 92 in settlement as above	440	488 88	440
	Issued to P. Mercere # 93 & 94 in settlement as above	1,040	1,155 55	1,040
	Issued to Michel Biri # 95 & 96 in settlement as above	1,290	1,433 33	1,290
	Issued to Chas. Jaeger # 97 & 98 in settlement as above	1,090	1,211 11	1,090
	Issued to same # 99 & 100 in settlement as above	1,930	2,144 45	1,930
	Issued to Jean Pursegur # 101, 102 in settlement as above	498	553 33	498
	Issued to D. F. Renner # 103 in settlement as above, "New Poydras ca'l"	7,500	8,333 33	7,500
29.	Issued to Robt. Shortridge # 104 to 113, for drainage w'ts, to M. & M. G. Ship C. Co.	32,529 37	38,605 54	32,529 37
	Interest to date @ 8 %	2,215 62		
		34,744 99		
	Equal, @ 90c. on the dollar, to	38,605 54		
Aug. 9.	Issued to J. W. Pearce # 114 to 121, for drainage w'ts, to M. and M. G. Ship C. Co.	35,075 37	38,972 63	35,075 37
	Equal, @ 90c. on the dollar, to	38,972 63		
12.	Issued to J. W. Pearce # 122 to 137, for drainage w'ts, to M. and M. G. Ship C. Co.	37,653 99	44,070 87	37,653 99
	Interest to date @ 8%	2,009 79		
		39,663 78		
	Equal, @ 90c. on the dollar, to	44,070 87		
Sept. 10.	Issued to J. W. Pearce # 138 to 155, for drainage w'ts, to M. and M. G. Ship C. Co.	38,252 12	42,502 35	38,252 12
	Equal, @ 90c. on the dollar, to	42,502 35		
	Am'ts carried forward		527,587 97	463,872 92
760				
1872.	Am't bro't fo'w'd		527,587 97	463,872 92
Oct. 5.	Issued to W. W. Divine # 156 to 161, for wooden revetment on lake shore, B. St. John		6,000 00	
12.	Issued to J. W. Pearce # 162 to 182, for drainage w'ts, to M. & M. G. Ship C. Co.	38,065 75		6,000 00
	Equal, @ 90c. on the dollar, to	42,295 28		38,065 75
" 22.	Issued to W. W. Divine # 183 to 187, for wooden revetm't on lake shore		5,000	5,000
31.	Issued to G. Claussen # 188, "land app'd," etc.		250	225
	Issued to M. Biri # 189, "land app'd," etc.		333 33	300
	Issued to Aug. Cook # 190, "land app'd," etc.		222 22	200

1872.				
Nov. 7.	Issued to est. of Noonan 191, "land app'd," etc.	----------	55 55	50
Nov. 7.	Issued to est. J. Davern #192 to 195 in settlement for damages, etc., Poydras ca'l	----------	3,323 33	3,000
" 7.	Issued to sundry persons #196 to 242 in settlement for damages, etc., "Poydras ca'l"	----------	29,338	26,404 25
Nov. 7.	Issued to W. E. Willett #243 to 253, for drainage w'ts, to M. and M. G. Ship C. Co.	31,849 58		
		28,664 62		28,664 62
	Equal, @ 90c. on the dollar, to	----------	31,849 58	
Dec. 18.	Issued to W. Van Norden #254 & 255, for drainage w'ts, to M. and M. G. Ship C. Co.	23,417 87	26,019 85	23,417 87
	Equal, @ 90c. on the dollar, to	26,019 85		
23.	Issued to W. W. Divine #256 & 257, for wooden revetm't, "lake shore"	----------	4,500	4,500 00
1873.				
Jan. 11.	Issued to J. W. Pearce #258 to 259, for M. and M. Gulf Ship C. Co. "drainage w'ts"	28,585 75	31,761 94	28,585 75
	Equal, @ 90c. on the dollar, to	31,761 95		
23.	Issued to W. W. Divine #260, for wooden rev'tm't, levee lake shore	----------	3,000	3,000
Feb'y 14.	Issued to W. Van Norden #261, 262, for d'ge w'ts, M. and M. G. Ship C. Co.	30,502 50		
		27,452 25		27,452 25
	Equal, @ 90c. on the dollar, to	----------	30,502 50	
27.	Issued to Mat. Muller #263 in settlement for damages, &c., "Poydras ca'l"	----------	168 66	150 "
M'ch 11.	Issued to W. Van Norden #264, 265, for d'ge w'ts, M. and M. G. Ship C. Co.	35,311 50	39,235	35,311 50
	Equal, @ 90c. on the dollar, to	39,235		
761	Am'ts carried forward	----------	781,451 21	694,199 91
1873.	Amount bro't fo'w'd	----------	781,451 21	694,199 91
Ap'l 4.	Issued to W. Allen & J. Sheppard #266 in settlement for damages, etc., "Poydras ca'l"	----------	111 11	100
" 12.	Issued to W. Van Norden #267, 268, for drainage w'ts, to M. and M. G. Ship C. Co.	34,872 50	38,747 22	34,872 50
	Equal, @ 90c. on the dollar, to	38,747 22		
May 10.	Issued to W. Van Norden #269 to 271, for drainage w'ts, to M. and M. G. Ship C. Co	26,462 12	29,402 35	26,462 12
	Equal, @ 90c. on the dollar, to	29,402 35		
May 14.	Issued to Jas. J. O'Hara #272, for wooden rev'tment on lake shore	----------	6,000 00	6,000

1873.				
June 13.	Issued to W. Van Norden #273, 274, for drainage w'ts, to M. and M. G. Ship C. Co.	26,109 25	29,010 28	26,109 25
	Equal, @ 90c. on the dollar, to	29,010 28		
July 10.	Issued to W. Van Norden #275, 276, for drainage w'ts, to M. and M. G. Ship C. Co.	30,442 12	33,824 58	30,442 12
	Equal, @ 90c. on the dollar, to	33,824 58		
Aug. 15.	Issued to W. Van Norden #277, 278, for drainage w'ts to M. and M. G. Ship C. Co.	33,467 62	37,186 24	33,467 62
	Equal, @ 90c. on the dollar, to	37,186 24		
Sept. 13.	Issued to W. Van Norden #279, 280, for drainage w'ts, to M. and M. G. Ship C. Co.	31,584 74	35,094 15	31,584 74
	Equal, @ 90c. on the dollar, to	35,094 15		
Oct. 16.	Issued to W. Van Norden #281 to 285, for drainage w'ts, to M. and M. G. Ship C. Co.	34,085 87	37,873 19	34,085 87
	Equal, @ 90c. on the dollar, to	37,873 19		
Nov. 14.	Issued to W. Van Norden #286, 287, for drainage w'ts, to M. and M. G. Ship C. Co.	31,211 75	34,679 72	31,211 75
	Equal, @ 90c. on the dollar, to	34,679 72		
Dec. 20.	Issued to W. Van Norden #288, 289, for drainage w'ts, to M. and M. G. Ship C. Co.	23,383 99	25,982 21	23,383 99
	Equal, @ 90c. on the dollar, to	25,982 21		
25.	Issued to W. Van Norden #290, for warrants, to M. and M. G. Ship C. Co.	41,400	46,000	41,000
	Equal, @ 90c. on the dollar, to	46,000		
1874.				
Jan. 14.	Issued to W. Van Norden #291, 292, for drainage w'ts, to M. and M. G. Ship C. Co.	19,061 87	21,179 85	19,061 87
	Equal, @ 90c. on the dollar, to	21,179 85		
	Am'ts carried forward		1,156,442 11	1,032,921 04
762				
1874.	Am'ts bro't fo'w'd		1,156,442 11	1,032,921 04
Jan. 1.	Issued to J. J. O'Hara #293 & 294 for wooden rev'tm't, etc. $14,500 00		15,039 30	14,500
	Int. on same @ 7% 539 30	15,039 30		
17.	Issued as above, #295		13,500	
	In final settl'm't for wooden rev'm't, etc.	13,500 "		13,500

1874.				
Feb'y 10.	Issued to W. Van Norden # 296, for drainage wt's, to M. & M. G. Ship C. Co.	22,500	25,000	22,500
	Equal, @ 90c. on the dollar, to	25,000		
Feb'y 13.	Issued to Antonio Cardero # 297, for damages in digging canals, etc.		2,000	2,000
M'ch 14.	Issued to W Van Norden # 298, for drainage w'ts, to M. and M. G. Ship C. Co.	30,600	34,000	30,600
	Equal, @ 90c. on the dollar, to	34,000		
Ap'l 11.	Issued to W. Van Norden # 299, for drainage w'ts, to M. and M. G. Ship C. Co.	29,700	33,000	29,700
	Equal, @ 90c. on the dollar, to	33,000		
May 14.	Issued to W. Van Norden # 300, for drainage w'ts, to M. & M. G. Ship C. Co.	28,800	32,000	28,800
	Equal, @ 90c. on the dollar to	32,000		
June. 11	Issued to W. Van Norden # 300, for drainage w'ts, to M. and M. G. Ship C. Co.	36,900	41,000	36,900
	Equal, @ 90c. on the dollar, to	41,000		
July 3.	Issued to W. Van Norden # 302, for drainage w't, M. and M. G. Ship C. Co.		6,000	5,400
July 13.	Issued to W. Van Norden # 303, for drainage w'ts, M. and M. G. Ship C. Co.	34,200	38,000	34,200
	Equal, @ 90c. on the dollar, to	38,000		
July 10.	Issued to C. S. Hunt # 304 to 305, for drainage pump, etc., ord. # 2678, A. S.		5,538 89	4,985
July 15.	Issued to P. and R. de Verges # 307, 308, for coal, as per ords. 2640 & 2695		4,400	3,960
July 15.	Issued to W. Van Norden # 306, for drainage wt's, M. and M. G. Ship C. Co.	10,441 15	12,000	10,441 15
	Interest @ 8% per annum	358 85		
		10,800		
	Equal, @ 90c. on the dollar, to	12,000		
Aug. 5.	Issued to W. Van Norden # 309, for drainage w'ts, to M. — M. G. Ship C. Co.		3,000	2,700
763	Am't carried for'd		1,421,020 30	1,273,107 19
1874.	Am't bro't forward		1,421,020 30	1,273,107 19
Aug. 7.	Issued to W. Van Norden # 310, for drainage w'ts, M. and M. G. Ship C. Co.	38,700 00	43,000 "	38,700
	Equal, @ 90c. on the dollar, to	43,000		

1874.				
Aug. 11.	Issued to W. Van Norden # 311, for drainage w'ts, M. and M. G. Ship C. Co.	11,458 95	13,000	11,458 95
	Interest @ 8% per ann. to date	241 05		
		11,700		
	Equal, @ 90c. on the dollar, to	13,000		
Aug. 18.	Issued to Leon Godchaux # 312, 314, for drainage w'ts, to M. and M. G. Ship C. Co.	13,000	14,830 85	13,000
	Interest @ 8% per an. to date	347 77		
		13,347 77		
	Equal, @ 90c. on the dollar, to	14,830 85		
Aug. 17.	Issued to P. and R. de Verges # 315, 316, for coal, as per ords. 2640 & 2724, A. S.		6,137 50	5,523 75
Sept. 9.	Issued to W. Van Norden # 317, 329, for M. and M. Gulf Ship C. Co., "d'ge warr'ts"	35,100	39,000	35,100
	Equal, @ 90c. on the dollar, to	39,000		
Sept. 10.	Issued to P. and R. de Verges, # 330, for coal, as per ord. # 2640, 2646, A. S.		712 50	641 25
Oct. 9.	Issued to W. Van Norden # 331, for d'ge w'ts, M. and M. G. Ship C. Co.	35,100	39,000	35,100
	Equal, @ 90c. on the dollar, to	39,000		
Oct. 15.	Issued to W. Van Norden # 332 to 338, for drainage w'ts, to M. and M. G. Ship C. Co.	20,590 77	22,878 63	20,690 77
	Equal, @ 90c. on the dollar, to	22,878 63		
Nov. 9.	Issued to W. Van Norden # 339 to 345, for drainage w'ts, M. and M. G. Ship C. Co.	38,165 41	42,406 01	38,165 41
	Equal, @ 90c. on the dollar, to	42,406 01		
Nov. 18.	Issued to W. Van Norden # 346, for drainage war't M. & M. G. Ship C. Co.	109 00	121 36	109 01
	Interest @ 8% from Nov. 9 to No. 18, '74	22		
		109 23		
	Equal, @ 90c. on the dollar, to	121 36		
Dec. 31.	Issued to W. Van Norden, # 347, for drainage w'ts, M. & M. G. Ship C. Co. (at par)	29,998 06	29,998 06	29,998 06
	Total		$1,672,105,21	$1,501,494 39

764 RECAPITULATION.

Am't of M. and M. Gulf Ship Canal Co. drainage w'ts:

Exchange into gold bonds	$1,375,984 25
Interest on same	11,903 33
Total	1,387,887 58
Gold bonds issued for above	$1,538,764 12

765 *Statement Showing Issuance of Gold Bonds to Holders of Drainage Warrants and Face Value of said Drainage Warrants from May, 1872, to December 31st, 1874.*

1872.				
May 10.	Issued to J. W. Pearce bonds # 1 to 23, for drainage w'ts, to M. and M. G. Ship C. Co.	54,709 37	62,846 67	54,709 37
	Interest to date @ 8% per an.	1,852 54		
		56,562 01		
	Equal, at 90c. on the dollar, to	62,846 67		
May 16.	Issued to J. W. Pearce # 24 to 30, for drainage w'ts, to M. and M. G. Ship C. Co.	22,549	25,281 19	22,549
	Interest to date @ 8 % per an.	204 07		
		22,753 07		
	Equal, @ 90c. on the dollar, to	25,281 19		
May 25.	Issued to Rob't Shortridge # 31 to 43, for drainage w'ts, to M. & M. G. Ship C.	25,410 "	29,162 30	25,410
	Interest to date @ 8 %	836 07		
		26,246 07		
	Equal, @ 90c. on the dollar, to	29,162 30		
June 10.	Issued to Rob't Shortridge # 44 to 58, for drainage w'ts to M. and M. G. Ship C. C.	71,187 62	80,255 63	71,187 62
	Interest to date @ 8 %	1,042 45		
		72,230 07		
	Equal, @ 90c. on the dollar, to	80,255 63		
June 28.	Issued to Rob't Shortridge # 64 to 68, for drainage w'ts, to M. and M. G. Ship C. Co.	70,203 62	80,729 13	70,203 62
	Interest to date @ 8 %	2,452 60		
		72,656 22		
	Equal, @ 90c. on the dollar, to	80,729 13		
July 10.	Issued to Rob't Shortridge # 69 to 71, for drainage w'ts, to M. and M. G. Ship C. Co.	37,112 87	41,236 52	37,112 87
	Equal, @ 90c. on the dollar, to	41,236 52		

1872.				
July 23.	Issued to Rob't Shortridge # 73 to 75, for drainage w'ts, to M. & M. G. Ship C. Co.	14,258	16,222 44	14,258 "
	Int. to date @ 8 %	342 20		
		14,600 20		
	Equal, @ 90c. on the dollar, to	16,222 44		
July 29.	Issued to Rob't Shortridge # 104 to 113, for drainage w'ts, to M. and M. G. Ship C. Co.	32,529 37	38,605 54	32,529 37
	Interest to date @ 8 %	2,215 62		
		34,744 99		
	Equal, @ 90c. on the dollar, to	38,605 54		
Aug. 9.	Issued to J. W. Pearce # 114 to 121, for drainage w'ts, to M. and M. G. Ship C. Co.	35,075 37	48,972 63	35,075 37
	Equal, @ 90c. on the dollar, to	38,972 63		
	Am't carried forward		413,312 05	363,035 22
766				
1872.	Am't bro't forw'd		413,312 05	363,035 22
Aug. 12.	Issued to J. W. Pearce # 122 to 137, for drainage w'ts, to M. and M. G. Ship C. Co.	37,653 99	44,070 87	37,653 99
	Interest to date @ 8 %	2,009 79		
		39,663 78		
	Equal, @ 90c. on the dollar, to	44,070 87		
Sept. 10.	Issued to J. W. Pearce # 138 to 155, for drainage w'ts, to M. & M. G. Ship C. Co.	38,252 12	42,502 35	38,252 12
	Equal, @ 90c. on the dollar, to	42,502 35		
Oct. 12.	Issued to J. W. Pearce # 162 to 182, for drainage w'ts, to M. & M. G. Ship C. Co.	38,065 75	42,295 28	38,065 75
	Equal, @ 90c. on the dollar, to	42,295 28		
Nov. 7.	Issued to W. E. Willett # 243 to 253, for drainage w'ts, to M. & M. G. Ship C. Co.	28,664 62	31,849 58	28,664 62
		31,849 58		
Dec. 18.	Issued to W. Van Norden # 254 & 255, for drainage w'ts, to M. and M. G. Ship C. Co.	23,417 87	26,019 85	23,417 87
	Equal, @ 90c. on the dollar to	26,019 85		
1873.				
Jan. 11.	Issued to J. W. Pearce # 258 & 259, for drainage w'ts, to M. and M. G. Ship C. Co.	28,585 75	31,761 94	28,585 75
	Equal, @ 90c. on the dollar, to	31,761 94		
Feb'y 14.	Issued to W. Van Norden # 261, 262, for drainage w'ts, to M. & M. G. Ship C. Co.	27,452 25	30,502 50	27,452 25
	Equal, @ 90c. on the —	30,502 50		

1873.				
M'ch 11.	Issued to W. Van Norden # 264, 265, for drainage w'ts, to M. and M. G. Ship C. Co.	35,311 50	39,235	35,311 50
	Equal, @ 90c. on the dollar, to	39,235		
April 12.	Issued to W. Van Norden # 267, 268, for drainage w'ts, to M. and M. G. Ship C. Co.	34,872 50	38,747 22	34,872 50
	Equal, @ 90c. on the dollar, to	38,747 22		
May 12.	Issued to W. Van Norden # 269, 271, for drainage w'ts, to M. — M. G. Ship C. Co.	26,462 12	29,402 35	26,462 12
	Equal, @ 90c. on the dollar, to	29,402 35		
May 14.	Issued to			
June 13.	Issued to W. Van Norden 273, 274, for drainage w'ts, to M. — M. G. Ship C. Co.	26,109 25	29,010 28	26,109 25
	Equal, at 90c. on the dollar, to	29,010 28		
767	Am't carried fo'w'd		798,709 27	707,882 94
1873.	Amount bro't fo'w'd		798,709 27	707,882 94
July 10.	Issued to W. Van Norden # 275, 276, for drainage w'ts, to M. & M. G. Ship C. Co.	30,442 12	33,824 58	30,442 12
	Equal, @ 90c. on the dollar, to	33,824 58		
Aug. 15.	Issued to W. Van Norden # 277, 278, for drainage w'ts, to M. — M. G. Ship C. Co.	33,467 62	37,186 24	33,467 62
	Equal, @ 90c. on the dollar, to	37,186 24		
Sept. 13.	Issued to W. Van Norden # 279, 280, for drainage w'ts, to M. — M. G. Ship C. Co.	31,584 74	35,094 15	31,584 74
	Equal, @ 90c. on the dollar, to	35,094 15		
Oct. 16.	Issued to W. Van Norden # 281 & 285, for drainage w'ts, to M. — M. G. Ship C. Co.	34,085 87	37,873 19	34,085 87
	Equal, @ 90c. on the dollar, to	37,873 19		
Nov. 14.	Issued to W. Van Norden # 286, 287, for drainage w'ts, M. — M. G. Ship C. Co.	31,211 75	34,679 72	31,211 75
	Equal, @ 90c. on the dollar, to	34,679 72		
Dec. 20.	Issued to W. Van Norden # 288, 289, for drainage w'ts, to M. — M. G. Ship C. Co.	23,383 99	25,982 21	23,383 99
	Equal, @ 90c. on the dollar, to	25,982 21		
" 25.	Issued to W. Van Norden # 290, for drainage w'ts, to M. — M. G. Ship C. Co.	41,400	46,000 "	41,400 "
	Equal, @ 90c. on the dollar, to	46,000		

1874.				
Jan. 14.	Issued to W. Van Norden # 291, 292, for drainage w'ts, M. — M. G. Ship C. Co.	19,061 87	21,179 85	19,061 87
	Equal, @ 90c. on the dollar, to	21,179 85		
Feb'y 10.	Issued to W. Van Norden # 296, for drainage w'ts, to M. — M. G. Ship C. Co.	22,500 "	25,000	22,500 "
	Equal, @ 90c. on the dollar, to	25,000		
M'ch 14.	Issued to W. Van Norden # 298, for drainage w'ts, to M. and M. G. Ship C. Co.	30,600 "	34,000	30,600 "
	Equal, @ 90c. on the dollar, to	34,000		
Ap'l 11.	Issued to W. Van Norden # 299, for drainage w'ts, M. — M. G. Ship C. Co.	29,700	33,000	29,700
	Equal, @ 90c. on the dollar, to	33,000		
May 14.	Issued to W. Van Norden # 300, for drainage warrants, M. — M. G. Ship C. Co.	28,800	32,000	28,800
	Equal, @ 90c. on the dollar, to	32,000		
	Am't carried fo'w'd		1,194,529 21	1,064,120 90
768				
1874.	Am't bro't fo'w'd		1,194,529 21	1,064,120 90
June 11.	Issued to W. Van Norden # 301, for drainage w'ts, to M. — M. G. Ship C. Co.	36,900	41,000 "	36,900
	Equal, @ 90c., to	41,000		
July 3.	Issued to W. Van Norden # 302, for drainage w'ts, to M. — M. G. Ship C. Co.	5,400	6,000	5,400
	Equal, @ 90c. on the dollar, to	6,000		
July 13.	Issued to W. Van Norden # 303, for drainage w'ts, to M. — M. G. Ship C. Co.	34,200	38,000	34,200
	Equal, @ 90c. on the dollar, to	38,000		
July 15.	Issued to W. Van Norden # 306, for drainage w'ts, to M. — M. G. Ship C. Co.	10,441 15	12,000	10,441 15
	Interest, @ 8% per annum	358 85		
		10,800		
	Equal, @ 90c. on the dollar, to	12,000		
Aug. 5.	Issued to W. Van Norden # 309, for drainage warrant, M. & M. G. S. C. Co.	2,700	3,000	2,700
	Equal, @ 90c. on the dollar, to	3,000		

1874.				
Aug. 7.	Issued to W. Van Norden # 310, for drainage w'ts, to M. — M. G. Ship C. Co.	38,700	43,000	38,700
	Equal, @ 90c. on the dollar, to	43,000		
Aug. 11.	Issued to W. Van Norden # 311, for drainage w'ts, to M. — M. G. Ship C. Co.	11,458 95	13,000	11,458 95
	Interest @ 8% per annum	241 05		
		11,700 "		
	Equal, @ 90c. on the dollar, to	13,000		
Aug. 18.	Issued to Leon Godchaux # 312–314, for drainage warrants, to M. — M. G. Ship C. Co.	13,000	14,830 85	13,000
	Interest, @ 8% per an., to date	347 77		
		13,347 77		
	Equal, @ 90c. on the dollar, to	14,830 85		
Sept. 9.	Issued to W. Van Norden # 317 to 329, for drainage w'ts, to M. — M. G. Ship C. Co.	35,100	39,000 "	35,100
	Equal, @ 90c. on the dollar, to	39,000		
Oct. 9.	Issued to W. Van Norden # 331, for drainage w'ts, M. — M. G. Ship C. Co.	35,100	39,000 "	35,100
	Equal, @ 90c. on the dollar, to	39,000		
Oct. 15.	Issued to W. Van Norden # 332 to 338, for drainage warrants, M. — M. G. Ship C. Co.	20,590 77	22,878 63	20,590 77
	Equal, @ 90c. on the dollar, to	22,878 63		
	Amount carried forward		1,466,238 69	1,307,711 77
769				
1874.	Am't bro't fo'rd		1,466,238 69	1,307,711 77
Nov. 9.	Issued to W. Van Norden # 339–345, for drainage w'ts, M. — M. G. Ship C. Co.	38,165 41	42,406 01	38,165 41
	Equal, @ 90c. on the dollar, to	42,406 01		
Nov. 18.	Issued to W. Van Norden # 346, for drainage w'ts, M. — M. G. Ship C. Co.	109 01	121 36	109 01
	Interest, @ 8%, from Nov. 9 to Nov. 18, '74	22		
		109 23		
	Equal, @ 90c. on the dollar, to	121 36		
Dec. 31.	Issued to W. Van Norden # 347, for drainage w'ts, M. — M. G. Ship C. Co., @ par	29,998 06	29,998 06	29,998 06
			$1,538,764 12	$1,375,984 25

770 RECAPITULATION.

Total collections from the 4 draining districts consolidated	364,596 60	
Less 10% attorneys' fees	29,041 91	
	335,554 69	
From which deduct received for taxes in drainage warrant	215,862 97	
Leaving balance collected in cash		119,691 72
Out of which was paid—		
1st. Salaries of Mayo, Guthrie, etc., as per statement	52,006 65	
2nd. To Van Norden, transferee, as per statement	23,666 59	
3d. For old draining ac's, as per statement	44,118 29	
		119,791 53
Showing an overdraft of		99 81
Amount collected in cash from June, 1871, to July, 1876	78,748 51	
In warrants	151,174 18	
		229,922 69
Amount collected in cash from July, 1876, to Octo., 1888	40,943 21	
In warrants	64,688 79	
		105,632 00
Total collections as above		335,554 69

771 RECAPITULATION.

1st. Total collections from the 4 draining districts from June, 1871, to July, 1876 ..... 249,440 60

As follows:

	Assessments.	*Assessments.*	10%
Collections, 1st d'ge dist.	72,296 48	19,717 56	7,448 76
" 2nd "	25,014 65	8,672 60	3,094 10
" 3d "	69,974 30	9,125 50	6,620 35
" 4th "	21,956 70	3,164 90	2,354 70
	189,242 13	40,680 56	19,517 91

2d. Total collections from the 4 draining districts from July, 1876, to Octo., 1888 ..... 115,156 00

As follows:

	Assessments.	*Interest.*	10 %	*Fi. Fa's.*
Collections, 1st d'ge dist.	18,415 42	4,663 03	2,038 90	373 60
" 2d "	17,610 65	7,086 90	2,331 45	158 05
" 3d "	30,144 35	7,156 25	3,264 85	228 95
" 4th "	17,989 30	1,721 30	1,888 80	84 20
	84,159 72	20,627 48	9,524 00	844 80

Collections from the 4 draining districts, consolidated:

	Ass'm'ts.
Assessments	273,401 85
Interest	61,308 04
10 %	29,041 91
Fi. Fa's	844 80
Grand total	364,596 60

772 *Statement Showing Collections from 1st Draining District from June, 1871, to July, 1876.*

		Assessment.	Interest.	10 %.
1871.				
June.	Collections	297 25	40 80	16 90
July.	"	608 30	2 39	59 11
Aug.	"	649 20	4 30	11 15
Sept.	"	168 35	35 20	15 20
Octo.	"	348 13	36 87	17 70
Nov.	"	235 50	36 40	21 85
Dec.	"	506 10	79 10	51 95
1872.				
Jan'y.	"	491 30	107 00	55 85
Feb'y.	"	405 35	61 80	35 45
March.	"	388 80	72 65	42 25
Apr.	"	899 10	138 60	86 75
May.	"	769 40	87 40	74 35
June.	"	1,299 45	130 05	79 30
July.	"	1,107 60	181 45	115 60
Aug.	"	1,005 60	149 55	88 45
Sept.	"	688 40	148 50	82 15
Octo.	"	295 25	46 60	26 75
Nov.	"	479 55	12 65	6 30
Dec.	"	217 95	19 70	9 25
1873.				
Jan.	"	63 30	14 90	6 95
Feb'y	"	167 95	36 10	20 40
March.	"	204 00	46 70	25 25
Apr.	"	277 85	38 75	27 05
May.	"	611 65	88 75	41 45
June	"	411 15	95 55	52 75
July.	"	309 10	78 20	38 70
Aug.	"	255 55	59 25	28 40
Sept.	"	184 85	55 80	22 60
Octo.	"	98 95	18 95	11 75
Nov.	"	109 10	28 75	13 55
Dec.	"	43 75	12 35	5 55
1874.				
Jan'y.	"	44 15	15 05	5 95
Feb'y.	"	456 35	154 75	58 60
Mar.	"	981 85	338 20	131 65
Apr.	"	1,060 30	350 75	140 85
May.	"	1,215 50	404 15	162 00
June.	"	1,189 45	334 90	150 45
July.	"	925 20	307 50	122 95
Aug.	"	783 05	261 30	104 35
Sept.	"	1,083 60	358 55	144 00
Octo.	"	1,321 10	439 10	175 95
Nov.	"	842 95	227 45	106 05

Statement Showing Collections, &c.—Continued.

		Assessment.	Interest.	10 %.
1874.				
Dec.	Collections	1,305 20	424 45	172 55
1875.				
Jan.	"	1,726 70	524 10	209 85
Feb'y.	"	373 10	124 35	49 80
Mar.	"	833 35	277 80	111 05
773	Amount carried forward	27,739 63	6,507 46	3,036 76
1875.	Am't bro't forward	27,739 63	6,507 46	3,036 76
Apr.	Collections	757 95	252 45	86 15
May.	"	312 10	104 05	41 55
June.	"	6,466 05	1,972 55	122 50
July.	"	3,042 35	1,128 25	415 00
Aug.	"	5,328 95	1,998 35	724 15
Sept.	"	15,255 20	1,334 40	1,037 50
Oct.	"	3,551 00	1,667 55	523 95
Nov.	"	6,246 15	3,088 00	935 10
Dec.	"	1,923 70	952 30	287 05
1876.				
Jan.	"	249 95	120 30	37 05
Feb'y.	"	65 95	31 95	9 75
Mar.	"	166 95	84 15	25 05
Apr.	"	719 85	239 20	95 70
May.	"	185 80	93 45	27 95
June.	"	284 90	143 15	43 55
		72,296 48	19,717 56	7,448 76

774 *Statement of Collections from 2d Draining District from June,* 1871, *to July,* 1876.

		Assessment.	Interest.	10 per cent.
1871.				
June.	Collections	345 85	86 70	32 15
July.	"	191 70	74 00	26 50
Aug.	"	771 45	70 15	84 15
Sept.	"	231 75	92 95	33 45
Oct.	"	1,322 00	113 05	43 15
Nov.	"	117 10	34 65	12 75
Dec.	"	217 80	73 35	28 60
1872.				
Jan'y.	"	281 40	114 95	41 85
Feb.	"	119 50	26 45	9 35
Mar.	"	101 05	36 45	13 80
Apr.	"	123 60	47 30	17 05
May.	"	880 60	272 30	117 40
June.	"	83 60	18 75	7 70

Statement Showing Collections, &c.—Continued.

		Assessment.	Interest.	10 per cent.
1872.				
July.	Collections	328 60	27 95	11 45
Aug.	"	651 55	227 10	88 80
Sept.	"	261 80	87 20	34 85
Oct.	"	64 20	20 45	8 35
Nov.	"	64 80	22 85	8 30
Dec.	"	6 50	2 25	85
1873.				
Jan.	"	42 80	15 80	6 10
Feb.	"	22 00	7 30	2 95
Mar.	"	37 05	12 20	4 85
Apr.	"	914 90	313 65	122 30
May.	"	203 95	59 85	27 45
June.	"	147 45	43 55	19 20
July.	"	203 65	67 00	27 00
Aug.	"	312 05	90 30	40 45
Sept.	"	97 75	19 65	8 80
Oct.	"	45 90	15 20	6 35
Nov.	"	20 75	6 70	2 75
Dec.	"	99 30	32 05	13 10
1874.				
Jan.	"	51 55	17 00	6 80
Feb.	"	557 85	185 15	75 30
Mar.	"	521 65	170 55	68 30
Apr.	"	384 15	126 75	50 75
May.	"	931 45	288 75	126 25
June.	"	1,118 85	258 35	73 50
July.	"	171 35	56 95	22 55
Aug.	"	224 95	75 05	29 90
Sept.	"	251 55	83 95	33 50
Oct.	"	472 80	145 90	58 05
Nov.	"	131 60	43 85	17 55
Dec.	"	244 90	82 70	32 80
1875.				
Jan.	"	151 50	50 60	20 00
Feb.	"	228 80	76 45	30 95
Mar.	"	296 90	99 05	39 65
775	Amount carried for'd	13,952 45	3,893 15	1,587 35
1875.	Amount bro't for'd	13,952 45	3,893 15	1,587 35
Apr.	Collections	76 50	25 40	8 15
May.	"	228 10	76 15	26 55
June.	"	430 45	143 50	13 10
July.	"	867 35	346 70	122 85
Aug.	"	2,499 35	1,008 60	320 20
Sept.	"	1,253 10	530 60	161 50
Oct.	"	739 65	419 60	118 45

Statement Showing Collections, &c.—Continued.

		Assessment.	Interest.	10 per cent.
1875.				
Nov.	Collections	1,173 55	560 45	178 05
Dec.	"	1,301 20	676 05	199 60
1876.				
Jan.	"	341 45	125 30	41 45
Feb'y.	"	88 15	42 30	13 05
Mar.	"	67 95	34 80	10 40
Apr.	"	642 25	304 20	94 60
May.	"	149 20	72 25	22 50
June.	"	1,203 95	413 55	176 30
		25,014 65	8,672 60	3,094 10

776 *Statement Showing Collections from 3d Draining District from May, 1872, to July, 1876.*

		Assessment.	Interest.	10 %.
1872.				
May.	Collections	94 15		
June.	"	236 15		
July.	"	426 70		
Aug.	"	431 35		
Sept.	"	546 70		
Octo.	"	517 15		
Nov.	"	68 35		
Dec.	"	376 00		
1873.				
Jan'y.	"	174 50		
Feb'y.	"	558 05		
Mar.	"	1,981 75	24 90	123 35
Apr.	"	2,316 05	44 65	202 40
May.	"	2,910 90	57 60	290 45
June.	"	2,051 55	55 70	204 15
July.	"	2,146 65	62 55	214 20
Aug.	"	1,290 20	44 30	128 55
Sept.	"	611 80	39 35	60 30
Octo.	"	448 15	32 05	44 85
Nov.	"	335 10	12 30	12 35
Dec.	"	673 80	60 60	67 45
1874.				
Jan'y.	"	113 45	11 75	13 15
Feb.	"	336 65	33 70	33 75
Mar.	"	1,937 85	192 35	194 60
Apr.	"	1,387 05	138 60	135 45
May.	"	1,149 70	114 60	114 60
June.	"	1,381 35	138 05	138 05
July.	"	932 40	94 95	94 95
Aug.	"	827 75	82 55	82 55

Statement Showing Collections, &c.—Continued.

		Assessment.	Interest.	10 %.
1874.				
Sept.	Collections	1,348 00	134 80	134 80
Octo.	"	686 70	68 75	68 55
Nov.	"	462 45	46 35	46 36
Dec.	"	816 70	81 65	81 60
1875.				
Jan'y.	"	156 55	15 80	15 70
Feb.	"	158 95	15 35	15 85
Mar.	"	271 85	27 20	27 20
Apr.	"	839 30	84 00	83 95
May.	"	1,221 45	113 35	112 70
June.	"	2,054 40	231 95	122 05
July.	"	1,452 85	248 40	166 25
Aug.	"	12,316 75	1,479 95	882 40
Sept.	"	4,513 20	1,060 70	555 90
Oct.	"	4,627 70	1,142 15	572 25
Nov.	"	3,910 95	940 15	482 50
Dec.	"	3,538 60	861 75	437 65
1876.				
Jan'y.	"	535 55	136 70	63 95
Feb'y.	"	106 95	26 40	13 25
777	Am't carried forward	65,298 35	7,955 95	6,038 05
1876.	Am't bro't for'd	65,298 35	7,955 95	6,038 05
Mar.	Collections	427 20	108 90	52 25
Apr.	"	1,780 35	445 40	223 80
May.	"	1,772 50	444 00	220 15
June.	"	695 90	171 25	86 10
		69,974 30	9,125 50	6,620 35

778 *Statement Showing Collections from 4th Draining District from Jan., 1873, to July, 1876.*

		Assessment.	Interest.	10 %.
1873.				
Jan'y.	Collections	10 40		
Feb.	"	21 70		
Mar.	"	114 00	1 65	8 35
Apr.	"	168 80	3 90	16 10
May.	"	227 60	5 20	22 90
June.	"	376 75	8 85	37 60
July.	"	289 10	8 20	28 90
Aug.	"	251 40	6 90	25 15
Sept.	"	52 80	1 35	5 30
Oct.	"	95 25	2 75	9 50
Nov.	"	30 70	1 55	3 05
Dec.	"	57 05	1 85	5 70

Statement Showing Collections, &c.—Continued.

		Assessment.	Interest.	10 %.
1874.				
Feb'y.	Collections	91 85	9 25	9 25
Mar.	"	106 25	10 65	10 55
Apr.	"	221 20	22 05	22 05
May.	"	264 05	26 05	26 05
June.	"	145 00	14 10	14 45
July.	"	197 50	19 75	19 75
Aug.	"	96 80	9 75	9 75
Sept.	"	24 20	2 40	2 40
Oct.	"	65 95	6 60	6 60
1875.				
Jan'y.	"	45 75	4 60	4 60
Feb.	"	27 60	2 80	2 80
Mar.	"	241 00	24 10	24 10
Apr.	"	533 95	52 60	53 15
May.	"	608 40	52 75	53 85
June.	"	1,293 75	129 60	75 25
July.	"	1,097 10	109 00	108 90
Aug.	"	3,678 40	513 25	392 65
Sept.	"	474 40	82 90	55 10
Oct.	"	1,274 15	245 45	151 65
Nov.	"	1,069 90	124 65	111 50
Dec.	"	368 35	57 20	41 45
1876.				
Jan'y.	"	216 35	42 50	25 90
Feb'y.	"	69 60	11 95	8 15
Mar.	"	42 05	7 45	4 90
Apr.	"	1,690 80	322 60	203 35
May.	"	4,834 15	968 20	582 00
June.	"	1,482 55	250 80	172 00
		21,956 70	3,164 90	2,354 70

779 *Statement Showing Collections from 1st Draining District from July, 1876, to October, 1888.*

		Assessments.	Interest.	10 %.	*Fi. Fas.*
1876.					
July.	Collections	409 35	201 60	61 25	
Aug.	"	1,180 65	572 65	177 20	89 20
Sept.	"	418 35	212 60	62 85	
Octo.	"	128 75	65 85	19 50	
Nov.	"	301 85	149 40	45 25	
Dec.	"	182 90	94 15	27 70	
1877.					
Jan.	"	41 10	21 85	6 15	
Feb.	"	8 95	3 80	1 20	
Mar.	"	139 95	72 30	21 15	

Statement Showing Collections, &c.—Continued.

		Assessments.	Interest.	10 %.	*Fi. Fas.*
1877.					
Apr.	Collections	597 45	31 25	62 85	
May.	"	237 00	118 00	35 90	1 10
June.	"	299 10	125 75	42 50	
July.	"	454 50	179 80	54 85	
Aug.	"	448 35	211 15	65 60	12 10
Sept.	"	383 45	109 50	49 45	
Octo.	"	479 30	235 75	71 85	4 10
Nov.	"	1,028 80	230 25	125 60	70 50
Dec.	"	582 05	100 95	33 80	
1878.					
Jan.	"	1,297 65	75 70	145 15	8 70
Feb.	"	816 55	21 15	6 35	
Mar	"	88 15	39 25	13 25	
Apr.	"	111 85	52 50	16 35	48 35
May.	"	224 70	112 30	33 70	
June.	"	620 05	79 35	69 90	3 50
July.	"	81 00	47 50	12 80	6 70
Aug.	"	47 10	24 95	7 15	3 75
Sept.	"	6 65	2 35	1 00	
Octo.	"	21 40	10 70	3 20	3 50
Nov.	"				
Dec.	"	26 05	13 00	3 90	
1879.					
Jan.	"	269 80	5 00	27 45	
Feb.	"	153 50	14 60	23 10	
Mar.	"	58 50	31 25	9 00	3 60
Apr.	"	187 75	95 50	28 55	
May.	"	104 55	49 60	14 70	2 50
June.	"	2,557 30	130 75	248 65	2 50
July.	"	235 40	74 85	30 85	
Aug.	"	36 85	17 70	5 75	
Oct.	"	301 95	18 10	5 35	
Nov.	"	26 40	13 05	3 95	
Jan'y.	"	9 35	4 70	1 40	
Feb'y.	"	238 00	6 55	1 95	
Mar.	"	24 15	13 25	3 75	3 50
Apr.	"	31 05	10 35	4 20	4 30
May.	"	49 60	31 85	8 15	8 50
June.	"	168 40	22 70	19 15	9 00
July.	"	64 65	9 45	7 40	
780	Am't carried for'd	14,980 20	3,764 56	1,720 75	285 30
1880.	Am't bro't forward	14,980 20	3,764 56	1,720 75	285 30
Aug.		80 25	40 30	12 25	22 70
Sept.		46 20	20 75	6 70	4 50
Oct.		62 35	31 15	9 35	

Statement Showing Collections, &c.—Continued.

		Assessments.	Interest.	10 %.	*Fi. Fas.*
1880.					
Nov.	------ ----	97 90	16 60	11 30	4 50
Dec.	---- ------	152 85	44 05	14 05	
1881.					
Jan'y.	------ ----	84 90	18 75	9 35	
Feb.	---- ------	208 40	66 95	28 75	4 50
M'ch & April.	------ ----	364 02	58 08	4 95	
May.	---- ------	19 15	9 55	2 85	5 00
June & July.	------ ----	55 45	21 30	8 60	3 50
Aug.	---- ------	11 25	6 10	1 80	
Sept. & Octo.	------ ----	65 80	33 05	9 90	9 00
Nov.	---- ------	13 25	6 80	2 00	3 50
Dec.	------ ----	5 30	2 65	80	
1882.					
Jan'y.	---- ------	26 10	13 00	3 95	
Feb. & Mar.	------ ----	20 60	10 30	3 05	
Apr.	---- ------	95 25	45 85	13 15	
May.	------ ----	266 50	97 60	36 40	4 00
June.	---- ------	18 85	10 30	2 95	
July.	------ ----	10 00	5 00	1 50	
Aug. & Sept.	---- ------	2 80	1 40	40	
Octo.	---- ----	30 15	9 10	4 55	4 50
Nov.	---- ------	81 40	40 70	12 20	4 50
Dec.	------ ----	8 50	4 25	1 30	
1883.					
Jan.	---- ------	20 25	10 40	3 00	4 50
Mar.	------ ----	30 90	7 95	2 50	4 50
Apr. June.	---- ------	181 75	32 15	18 75	
July. Sept.	------ ----	17 45	8 85	2 55	4 60
Nov.	---- ------	35 30	2 65	80	
Dec.	------ ----	16 45	3 15	1 95	
1884.					
Jan. & Feb.	---- ------	31 50		1 15	
May & June.	------ ----	39 75	3 00	1 15	
July.	---- ------	18 70	9 35	90	
Aug.	------ ----	52 20	3 60	6 10	
Sept. & Octo.	---- ------	42 75	7 90	1 90	
Nov.	------ ----	5 40	2 70	80	
1885.					
Apr.	---- ------	19 10	8 70	2 70	
May.	------ ----	52 65			
June.	---- ------	12 05	------	1 20	
July.	------ ----	74 75	5 60	8 20	
Aug.	---- ------	13 40	3 90	1 70	4 50
Sept.	------ ----	71 70	8 50	2 50	
Octo.	---- ------	25 55	5 40	1 60	
Am't carried for'd----		17,579 02	4,501 98	1,982 30	373 60

Statement Showing Collections, &c.—Continued.

781

		Assessments.	Interest.	10 %.	*Fi. Fas.*
1885.	Am't bro't for'd ------	17,579 02	4,501 98	1,982 30	373 60
Nov.	------ ----	6 25			
Dec.	---- ------	3 45	1 15	45	
1886.					
Feb'y.	------ ----	289 50	38 10	16 65	
Apr.	---- ------	3 50	------	35	
May.	------ ----	15 00			
July.	---- ------	14 15	85	1 40	
Oct.	------ ----	23 85	3 65	2 50	
Dec.	---- ------	32 00	1 00	30	
1887.					
Jan.	------ ----	10 00			
Feb.	---- ------	16 90	8 65	2 50	
M'ch.	------ ----	15 25	7 65	2 30	
Apr.	---- ------	15 00	5 00	1 00	
May.	------ ----	15 15	7 60	2 25	
June.	---- ------	65 95	28 40	9 35	
Aug.	------ ----	16 65	2 85	85	
Sept.	---- ------	5 40	3 95	1 15	
Nov.	------ ----	43 70	8 00	2 00	
Dec.	---- ------	40 65	13 90	4 10	
1888.					
Feb.	------ ----	84 25	80	1 30	
Mar.	---- ------	15 00			
May.	------ ----	6 25	3 15	90	
June.	---- ------	38 15	15 95	4 15	
July.	------ ----	52 00	6 20	1 85	
Sept.	---- ------	8 40	4 20	1 25	
		18,415 42	4,663 03	2,038 90	373 60

782 *Statement Showing Collections from 2d Draining District from July, 1876, to October, 1888.*

		Assessments.	Interest.	10 %.	*F. Fas*
1876.					
July.	----------	67 55	34 90	10 30	
Aug.	----------	425 10	264 65	68 95	
Sept.	----------	442 80	193 40	62 90	
Oct.	----------	925 15	382 65	130 10	
Nov.	----------	1,062 60	499 00	156 45	
Dec.	----------	693 20	346 65	104 75	
1877.					
Jan.	----------	795 40	324 55	111 90	
Feb.	----------	1,366 15	519 00	187 75	
Mar.	----------	480 60	189 60	67 25	
Apr.	----------	62 70	31 35	9 50	

Statement Showing Collections, &c.—Continued.

		Assessments.	Interest.	10 %.	*F. Fas.*
1877.					
May.	----------	277 90	119 75	39 10	
June.	----------	2,193 80	568 95	161 20	
July.	----------	322 15	152 15	48 10	
Aug.	----------	877 55	392 20	128 05	
Sept.	----------	146 30	72 60	22 85	
Octo.	----------	244 55	69 00	36 80	
Nov.	----------	240 30	120 30	36 15	
Dec.	----------	93 20	25 90	10 95	
1878.					
Jan.	----------	111 30	55 60	16 65	
Feb.	----------	55 35	26 85	8 60	
Mar.	----------	85 55	41 85	9 75	
Ap'l.	----------	106 05	53 35	15 90	
May.	----------	228 50	53 50	28 45	
June.	----------	59 10	31 40	9 10	
July.	----------	221 95	100 95	32 50	
Aug.	----------	163 95	83 95	24 90	5 00
Sept.	----------	11 75	1 75	" "	
Octo.	----------	8 00	4 60	1 25	
Nov.	----------	217 05	108 30	32 50	4 00
Dec.	----------	154 65	62 80	21 00	20 65
1879.					
Jan'y.	----------	278 60	111 90	43 15	21 70
Feb.	----------	153 55	85 15	28 20	
Mar.	----------	428 45	130 25	57 00	
Apr.	----------	20 60	10 40	3 05	
May.	----------	127 65	60 25	16 95	
June.	----------	60 65	34 10	10 05	5 00
July.	----------	139 05	70 75	21 30	
Aug.	----------	263 65	125 25	37 75	20 60
Sept.	----------	5 25	3 50	85	
Oct.	----------	119 00	18 60	5 50	9 40
Nov.	----------				
Dec.	----------	10 30	5 30	1 55	8 55
1880.					
Jan.	----------	63 20	33 65	9 70	11 00
Feb'y.	----------	64 15	34 75	9 80	
Mar.	----------	45 25	23 35	7 05	
Apr.	----------	17 00	11 30	2 80	
783	Am't carried for'd----	13,936 55	5,690 00	1,848 35	105 90
1880.	Am't bro't forward---	13,936 55	5,690 00	1,848 35	105 90
May.	----------	28 15	15 20	4 30	
June.	----------	31 35	12 10	4 25	
July.	----------	105 50	34 20	11 95	
Aug.	----------	8 95	4 65	1 35	

Statement Showing Collections, &c.—Continued.

	Assessments.	Interest.	10 %.	*F. Fas.*
1880.				
Sept.	13 55	6 85	2 00	
Octo.	1 00	50	15	
Nov.	47 70	24 10	7 15	9 00
Dec.	267 15	61 00	32 50	
1881.				
Jan.	2 55	1 30	45	
Feb.	8 75	5 20	1 50	
Mar. & Apr.	16 40	8 65	2 55	4 50
May.	58 90	29 45	8 95	
June & July.	45 65	22 20	7 80	
Aug.	32 05	16 20	4 80	
Sept. & Octo.	71 70	25 95	10 25	9 00
Dec.	30 25	15 20	4 65	
1882.				
Jan.	84 80	42 35	12 70	9 00
Feb. & Mar.	16 10	8 25	2 55	
Apr.	29 15	14 35	4 40	4 50
May to June 7.	5 55	2 85	85	
June.	35 75	19 60	5 50	
July.	164 00	32 90	16 70	
Aug. & Sept.	376 20	43 40	38 95	
Oct.	1,072 65	536 30	160 90	
Nov.	17 40	9 00	2 65	4 50
Dec.	26 35	13 10	3 90	4 50
1883.				
Jan. & Feb.	16 00	8 00	1 00	
Mar.	33 10	70	3 55	
Apr.	32 20	10 85	4 35	
June.	9 65	4 95	1 50	
July.	25 35	12 70	3 90	
Sept.	3 20	2 20	55	
Oct. & Nov.	49 65	10 00	2 75	
Dec.	3 65	1 80	70	
1884.				
Jan. & Feb.	13 15	6 65	1 95	
Mar.	33 35	14 20	4 25	
Apr.	35 75	17 90	5 40	4 55
May.	10 45	2 75	90	
June.	56 00	16 00	8 00	
July.	323 30	89 70	27 10	
Aug.	9 85	5 35	1 55	
Octo.	5 70	2 85	85	
Nov.	47 80	23 85	6 15	
Dec.	33 25	16 60	4 95	
1885.				
Feb.	2 80	1 75	45	
Am't carried for'd	17,278 30	6,943 65	2,281 90	155 45

Statement Showing Collections, &c.—Continued.

784		Assessments.	Interest.	10 %.	*F. Fas.*
1885.	Am't bro't for'd	17,278 30	6,943 65	2,281 90	155 45
Apr.		23 85	7 75	3 00	
May.		3 00	1 50	50	
July.		48 55	8 65	6 60	
Aug.		9 95	3 20	1 15	
Sept.		77 35	20	05	
Oct.		2 10	1 05	35	
Nov.		5 80	2 90	1 00	
Dec.		8 95	4 80	1 50	
1886.					
Feb.		5 25	2 65	80	
Apr.		68 40	19 65	5 75	
May.		22 80	1 40	40	
June.		5 95	2 55	85	
Oct.		4 55	2 10	80	
Dec.		9 00	4 50	1 35	
1887.					
Jan.		8 25	4 10	1 25	
Feb.		20 00			
Mar.		6 10	3 25	95	
Apr.		10 50	1 35	60	
May.		22 40	11 00	3 40	
Aug.		12 25	6 35	2 55	
Sept.		20 20	12 30	3 30	2 60
Nov. & Dec.		32 90	16 15	4 80	
1888.					
Feb.		10 30	1 40	30	
Mar.		20 75	6 85	2 10	
May.		50 65	16 50	5 90	
June.		2 10	1 10	30	
		17,610 65	7,086 90	2,331 45	158 05

785 *Statement Showing Collections from 3d Drainage District from July, 1876, to October, 1888.*

	Assessments.	Interest.	10 %.	*Fi. Fas.*
1876.				
July. } Aug. }	2,616 00	647 50	326 20	
Sept.	618 40	154 80	77 45	
Oct.	343 60	62 70	40 50	
Nov.	387 15	98 80	48 60	
Dec.	105 25	26 80	11 65	
1877.				
Jan.	250 75	62 05	31 30	
Feb.	437 30	105 90	54 75	4 10

Statement Showing Collections, &c.—Continued.

		Assessments.	Interest.	10 %.	*Fi. Fas.*
1877.					
Mar.		608 85	157 35	76 70	
Apr.		357 60	86 05	43 35	
May.		908 35	227 90	112 10	6 00
June.		401 40	99 90	48 90	
July.		697 75	140 30	59 75	
Aug.		488 35	113 15	57 25	12 30
Sept.		383 65	94 25	41 55	1 20
Oct.		354 70	75 65	38 80	
Nov.		548 60	113 65	65 50	3 60
Dec.		600 45	126 45	44 10	8 45
1878.					
Jan.		449 40	113 35	56 15	3 60
Feb.		355 55	89 45	44 55	3 50
Mar.		344 60	80 20	39 65	
Apr.		95 55	22 15	10 70	3 55
May.		225 55	56 75	28 25	3 50
June.		150 90	38 90	28 15	3 60
July.		176 10	44 75	22 25	
Aug.		39 95	12 90	5 75	
Sept.		118 70	33 25	15 20	
Octo.		70 45	21 40	9 25	3 15
Nov.		123 90	31 40	15 60	
Dec.		111 50	30 25	14 15	
1879.					
Jan.		53 65	18 95	7 20	3 60
Feb.		7,685 60	1,987 70	964 90	
Mar.		871 25	217 55	108 80	12 00
Apr.		208 00	69 95	28 15	5 00
May.		2,394 80	57 45	22 35	5 00
June.		204 35	69 90	26 75	7 55
July.		45 70	16 25	6 15	
Aug.		185 95	30 80	17 20	
Sept.		608 90	140 40	74 85	4 60
Oct.		814 20	107 30	46 70	7 20
Nov.		99 50	28 60	12 25	
Dec.		59 50	20 10	8 25	
1880.					
Jan.		89 20	30 45	11 95	11 80
Feb'y.		232 70	74 30	34 60	7 20
Mar.		394 50	120 15	51 75	13 70
Apr.		125 95	54 20	18 00	4 50
May.		60 40	24 70	8 55	3 60
786	Am't carried for'd	26,504 45	6,036 70	2,906 50	142 30
1880.	Am't bro't forward	26,504 45	6,036 70	2,906 50	142 30
Jun.		68 85	28 95	9 65	3 60

Statement Showing Collections, &c.—Continued.

	Assessments.	Interest.	10 %.	*Fi. Fas.*
1880.				
July.	134 10	39 25	16 45	
Aug.	135 05	39 50	17 25	
Sept.	55 20	23 60	7 85	
Oct.	68 60	24 40	9 30	
Nov.	48 10	14 25	5 55	
Dec.	69 95	25 45	7 60	
1881.				
Jan.	25 40	11 20	3 70	
Feb.	38 75	14 90	5 80	
M'ch & Apr.	48 50	9 85	3 05	
May.	26 95	13 65	4 00	
June & July.	37 80	10 05	4 55	4 50
Aug.	327 75	97 05	35 80	
Sept. & Oct.	112 40	48 65	11 05	15 00
Nov.	47 15	22 30	6 70	
Dec.	40 05	16 95	5 70	4 50
1882.				
Jan. & Feb.	15 85	4 10	1 25	
Mar.	50 70	23 60	7 50	16 45
Apr.	19 10	8 95	2 80	
May.	16 70	8 35	2 60	
June.	15 00	7 50	2 25	
July.	23 95	11 20	3 50	4 50
Aug. & Sept.	35 75	13 35	4 90	
Octo.	139 40	62 20	19 85	
Nov.	177 45	89 05	26 40	3 60
Dec.	25 90	13 00	3 90	2 00 6 50
1883.				
Jan.	23 20	11 50	2 75	
Feb'y.	94 40	52 10	14 60	
Mar.	6 00	3 00	1 00	
Apr.	22 55	7 50	3 35	
June.	12 60	6 35	1 90	
July.	47 95	24 00	7 20	
Sept.	15 05	7 50	2 30	
Oct. & Nov.	35 70	13 35	4 90	3 50
1884.				
Jan. & Feb.	2 55	------	25	
Mar.	22 15	1 50	45	
Apr.	58 70	12 65	3 75	
May.	108 90	1 10		
June.	105 00	6 40	2 45	
July.	55 30	26 90	7 35	4 50
Aug.	35 45	9 70	5 30	
Octo.	28 50	1 55	65	
Nov.	6 60	3 30	1 00	

Statement Showing Collections, &c.—Continued.

		Assessments.	Interest.	10 %.	*Fi. Fas.*
1884.					
Dec.	----------	29 10	2 05	60	
1885.					
Feb.	----------	71 70	26 90	9 80	
787	Am't carried for'd----	29,090 25	6,935 55	3,206 05	210 95
1885.	Amount carried f.--	29,090 25	6,935 55	3,206 05	210 95
Apr.	----------	24 45	12 25	3 65	4 50
May.	----------	26 40	10 55	3 70	
June.	----------	32 35	13 25	4 35	
July.	----------	18 50	5 80	2 45	
Aug.	----------	37 30	7 00	4 15	
Sept.	----------	8 20	4 10	1 20	
Oct.	----------	44 90	"	5 10	
Nov.	----------	28 60	4 25	1 50	
Dec.	----------	25 85	2 35	1 35	
1886.					
Feb.	----------	176 45	42 80	13 90	
Apr.	----------	2 55	1 25	40	
May.	----------	44 20	7 70	2 70	
June.	----------	71 80 90 25	33 65 12 05	10 50 5 60	5 00 4 50
July.	----------	44 45	4 30	1 25	
Oct.	----------	31 25	9 05	4 00	
Dec.	----------	9 60	1 95	95	
"	----------	19 50	"	"	
1887.					
Jan.	----------	33 00	4 25	90	
Feb.	----------	14 15	1 10		
Mar.	----------	14 90	3 20	1 00	
Apr.	----------	3 10	1 40		
May & Aug.	----------	18 30	3 00	1 00	
Sept.	----------	30 60	"	90	
Dec.	----------	28 30	11 75	2 80	
1888.					
Feb.	----------	30 55	80		
Mar.	----------	15 10	7 55	2 05	4 00
May.	----------	59 90	5 10	1 55	
June.	----------	8 25	1 75	50	
July.	----------	47 70	4 00		
Sept.	----------	13 85	4 50	1 35	
		30,144 35	7,156 25	3,264 85	228 93

788 *Statement Showing Collections from 4th Drainage District from July, 1876, to October, 1888.*

	Assessments.	Interest.	10 %.	*Fi. Fas.*
1876.				
July.	10,026 90	208 65	1,095 25	
Aug.	849 60	170 45	102 00	
Sept.	802 05	160 15	96 30	
Oct.	111 05	22 30	13 35	
Nov.	46 00	8 25	5 45	
Dec.	162 35	33 20	19 00	
1877.				
Jan.				
Feb.	76 95	15 40	9 25	
Mar.	52 55	10 55	6 35	
Apr.				
May.	15 85	3 15	1 90	
June.	27 85	6 80	3 50	
July.	231 45	18 55	4 85	
Aug.	9 75	5 00	1 50	3 60
Sept.	65 35	16 35	8 10	
Oct.	51 40	13 80	6 50	
Nov.	48 75	13 65	6 10	
Dec.				
1878.				
Jan.	155 15	26 15	14 15	
Feb.				
Mar.	5 70	1 65	75	
Apr.	72 00	13 10	8 25	
May.	195 05	49 00	24 40	
June.				
July.	114 50	36 65	15 15	
Aug.				
Sept.	108 85	27 85	13 65	
Oct.	5 75	1 95	75	
Nov.	38 55	12 85	5 10	
Dec.				
1879.				
Jan.	182 05	46 75	22 85	
Feb.	462 10	50 80	55 35	
Mar.	223 60	59 55	28 15	
Apr.	24 45	7 95	3 25	
May.	44 40	5 50	1 90	
June.	44 25	14 55	5 85	
July.	265 70	87 60	34 50	26 75
Aug.	274 10	80 20	34 60	1 75
Sept.	186 00	34 55	22 05	
Oct.	416 00	11 40	4 00	
Nov.	89 00	31 05	12 00	
Dec.	57 40	18 10	6 70	

Statement Showing Collections, &c.—Continued.

		Assessments.	Interest.	10 %.	*Fi. Fas.*
1880.					
Jan'y.	----------	5 60	2 20	80	
Feb.	----------	23 65	8 60	3 25	3 50
Mar.	----------	83 40	17 50	10 30	
Apr.	----------	171 15	68 20	23 90	19 55
789	Am't carried for'd----	15,816 25	1,419 95	1,661 75	62 15
1880.	Amount forward-----	15,816 25	1,419 95	1,661 75	62 15
May.	----------	100 30	38 30	13 85	4 00
June.	----------	213 15	19 55	23 85	6 75
July.	----------	84 25	37 75	12 00	
Aug.	----------	4 30	1 75	60	
Sept.	----------				
Oct.	----------	5 30	2 65	80	
Nov.	----------	100 25	24 10	10 65	
Dec.	----------	29 20	7 10	2 15	
1881.					
Jan.	----------	431 10	----------	43 10	
Feb. & Mar.	----------	5 80	2 90	85	
Apr.	----------	63 45	9 50	5 95	
May to Aug.	----------				
Sept. & Octo.	----------	25 85	7 30	2 60	
Nov.	----------	13 40	6 80	2 00	
Dec.	----------	11 40	5 70	1 70	
1882.					
Jan. & Feb.	----------	14 00	7 00	2 05	
Apr.	----------	27 00	13 30	4 00	3 50
May to June 7.	----------	597 15	----------	59 70	
June.	----------	20 70	10 35	3 30	
Octo.	----------	24 65	11 50	3 60	
1883.					
June.	----------	5 80	2 90	85	
July.	----------	35 00			
Oct. & Nov.	----------	21 60	5 00	1 50	
Dec.	----------	22 00	11 00	3 30	3 70
1884.					
Mar.	----------	8 25	4 10	1 25	
May.	----------	7 35	3 65	1 10	
June.	----------	14 00			
Sept.	----------	20 00			
Nov.	----------	12 55	6 25	1 90	
1885.					
Apr.	----------	7 55	1 45	1 00	
May.	----------	7 10	1 80	90	
June.	----------	22 90	11 45	3 75	4 10
July.	----------	4 95	----------	05	
Aug.	----------	5 35	1 10	65	
Oct.	----------	8 20	1 00	80	

Statement Showing Collections, &c.—Continued.

		Assessments.	Interest.	10 %.	*Fi. Fas.*
1886.					
Feb.	----------	6 85	3 40	1 00	
Apr.	----------	16 05	3 90	1 15	
July.	----------	11 65	2 20	1 15	
Dec.	----------	43 05	13 20	5 15	
1887.					
Jan.	----------	20 00			
Mar.	----------	4 00	2 00	60	
Sept.	----------	12 25	4 50	2 00	
Nov.	----------	20 00			
790	Am't carried for'd----	17,924 15	1,704 40	1,882 60	84 20
1887.	Am't bro't for'd------	17,924 15	1,704 40	1,882 60	84 20
Dec.	----------	16 70	8 35	2 50	
1888.					
May.	----------	23 65	--------	2 35	
June.	----------	15 75	4 00		
July.	----------	9 05	4 55	1 35	
Sept.	----------				
		17,989 30	1,721 30	1,888 80	84 20

791 *Recapitulation.*

Amount of drainage certificates received for drainage tax from Feb'y, 1874, to Octo., 1888----------	203,241 95
Interest on same----------	12,621 02
Total----------	215,862 97

792 *Statement Showing Drainage Certificates Received for Drainage Tax.*

1874.							
Feb'y	10.	D'g cer.	356 A	by C. W.	947--	565 27	6 53
"	18.		355	"	1099--	500 00	6 95
"	"		356 B	"	1099--	17 60	25
"	27.		383	"	1291--	468 10	
M'ch	3.		388	"	1359--	97 95	
	9.		371	"	1447--	489 50	2 70
	10.		370	"	1467--	500 00	2 78
	13.		396	"	1579--	1,000 00	45
	26.		404	"	1769--	354 12	3 08
	"		366 A	"	" --	295 24	88
	"		398	"	" --	921 47	2 81
	31.		366 B	"	1915--	204 76	1 94
	"		367 A	"	" --	298 11	3 19
Apr.	9.		367 B	"	2011--	201 89	2 21

1874.							
Apr.	9.	368	by C. W.	2011--	500 00	5	80
	16.	397	"	2089--	1,000 00	8	00
	"	410	"	" --	352 25		25
	21.	373 A	"	2151--	790 69	9	31
	28.	369	"	2218--	500 00	8	55
	"	373 B	"	" --	209 31	2	79
May	9.	374 A	"	2377--	800 65	12	45
	"	375	"	" --	1,000 00	15	10
	13.	374 B	"	2416--	199 35	3	30
	"	376	"	" --	1,000 00	16	65
	28.	377	"	2614--	1,000 00	19	75
	"	416	"	" --	182 37		53
June	13.	419	"	2816--	1,941 25	9	90
	22.	427	"	2970--	300 00		95
	"	378	"	" --	1,000 00	25	10
	"	424	"	" --	200 00		60
July	7.	433	"	3266--	545 74	3	06
	22.	439	"	3484--	850 00	3	20
	23.	353	"	3499--	500 00	24	35
	30.	352	"	3548--	500 00	25	10
Aug.	13.	354	"	3634--	500 00	26	55
	"	444	"	" --	154 99	1	05
	"	447	"	" --	400 00		71
	22.	446 B	"	3680--	41 05		15
	"	455	"	" --	447 62	1	38
Sept	7.	380	"	3747--	1,000 00	42	45
	12.	436	"	3769--	600 00	9	46
	"	438 B	"	" --	58 85		95
	"	462	"	" --	404 37		27
	30.	461	"	3812--	1,000 00	4	35
Oct.	13.	463	"	3873--	1,000 00	1	10
	20.	464	"	3912--	1,000 00	2	65
	31.	465 A	"	4018--	953 80	5	10
Nov.	14.	467	"	4071--	500 00	4	21
	"	465 B	"	" --	46 20		39
	20.	468	"	4076--	363 40	3	55
793		Amount carried for'd-------			27,755 90	332	83
1874.		Amount bro't forward------			27,755 90	332	83
Nov.	20	D'g cert. 470	by C. W.	4076--	291 25	2	70
Dec.	19.	466	"	4081--	500 00	5	75
"	31.	475 A	"	4100--	2,930 56	50	14
1875.							
Jan'y	12.	475 B	"	189--	148 82	2	93
	15.	486	"	260--	1,009 50	4	72
	"	485	"	" --	171 20	2	66
	"	479	"	" --	1,235 00	26	07
Feb'y	3.	496	"	327--	872 25	7	15
M'ch	30.	11	"	1049--	2,000 00	34	56

1875.								
Apr.	3.	30	by C. W.	1106--	744	37	7	28
"	27.	14	"	1469--	981	95	18	05
May	17.	14 B	"	1732--	660	42	14	83
"	31.	38 B	"	2082--	988	45	14	90
June	4.	38 A	"	2396--	1,011	55	18	90
"	10.	27	"	2519--	1,688	51	44	69
	15.	88	"	2588--	1,500	00	12	35
	19.	90	"	2676--	2,000	00	5	35
	25.	79	"	2750--	2,000	00	41	75
	"	78	"	" --	2,000	00		
	30.	91 A	"	2811--	1,550	35	7	90
July	17.	77	"	3068--	2,000	00	30	65
	"	91 B	"	" --	449	65	4	00
	26.	117	"	3131--	2,000	00	6	65
	28.	113	"	3155--	493	95	2	20
	31.	125	"	3246 B	2,000	00	9	75
Aug.	6.	128	"	3316--	1,000	00	6	05
	"	129	"	" --	1,000	00	6	00
	"	138	"	" --	5,000	00		
	12.	127	"	3389--	2,000	00	15	20
	14.	126	"	3395--	2,000	00	14	90
	19.	137	"	3445--	5,000	00	15	55
	21.	146	"	3496--	2,000	00	6	90
	31.	140	"	3584--	5,000	00	30	00
Sept.	6.	147	"	3634--	2,000	00	13	75
	7.	148	"	3636--	2,000	00	15	00
	18.	149	"	3823--	2,000	00	18	65
	29.	151	"	3910--	10,000	00	57	77
	"	154	"	" --	5,000	00	28	88
Oct.	14.	150	"	4070--	2,000	00	30	20
"	"	159	"	" --	2,000	00	17	35
	30.	153 A	"	4238 A	3,451	25	44	50
Nov.	5.	187–189	"	4329--	2,500	00	3	85
	6.	153 B	"	4333--	1,548	75	22	35
	16.	179	"	4429--	2,000	00	19	55
Dec.	14.	166 A	"	4685--	2,639	25	35	05
	"	165	"	" --	5,000	00	51	75
	"	193 A	"	" --	250	85	1	35
	"	166 B	"	" --	2,360	75	35	65
	18.	236	"	4824--	500	00	1	75
	"	208	"	" --	1,000	00	8	45
794		Am't carried for'd ----------			128,234	53	1,209	30
1875.		Amount bro't forw'd -------			128,234	53	1,209	30
Dec.	18.	D'g cert. 167 B	by C. W. N.	4824--	281	40	4	80
"	30.	194	"	4965--	2,000	00	21	80
1876.								
Jan'y	27.	181	"	167--	1,000	00	20	05
M'ch	12.	250 B	"	420 B	236	95	2	80

1876.							
Apr.	3.	250 A A	by C.W.N.	759--	506 65	9 45
	15.	250 A B	"	946 A	1,256 40	27 10
	26.	274	"	1032 A	2,000 00	9 35
	"	253	"	" --	196 00	4 50
May	1.	277	"	1049--	2,000 00	9 40
	10.	286	"	1182--	2,000 00	6 25
	12.	285	"	1237--	951 75	8 05
	22.	158	"	1378--	2,000 00	116 00
	23.	297	"	1391--	457 55	
	24.	293	"	1394--	1,000 00	6 30
	31.	294 A	"	1429 A	684 30	5 40
June	30.	143	"	1723 B	2,000 00	146 95
	"	302	"	" --	2,000 00	12 90
Aug.	1.	156	"	1880--	2,000 00	148 43
	"	401	"	" --	2,000 00	24 88
	"	400	"	" --	2,000 00	24 88
	"	217	"	" --	2,000 00	113 78
	"	204	"	" --	2,000 00	131 53
	"	188 A	"	" --	1,049 00	65 20
Sept.	5.	31	"	1981--	2,000 00	239 55
	"	312 B	"	" --	53 30	1 08
	"	188 B	"	" --	951 00	65 72
Oct.	3.	1	"	2106--	2,000 00	279 07
	"	296	"	" --	232 37	8 11
	31.	219 A B A	"	2255--	200 00	14 89
	"	266 A	"	" --	181 25	10 85
	"	312 A	"	" --	731 20	29 57
	"	294 B	"	" --	315 70	12 44
Dec.	2.	9 A	"	2445--	1,358 20	207 65
	30.	8 A	"	2704--	936 80	149 70
1877.							
Feb'y	1.	8 B A	"	188--	821 25	137 05
M'ch	1.	12 A	"	425--	798 75	138 45
	"	8 B B	"	" --	241 95	41 95
	"	9 B	"	" --	641 80	111 25
Apr.	2.	12 B A	"	672 B	990 65	178 30
May	2.	13 B	"	1003--	536 90	100 35
June	1.	13 A A	"	1481--	1,147 80	219 35
July	2.	20	"	1978--	2,000 00	382 22
	"	7 A	"	" --	627 65	124 13
Aug.	7.	7 B B	"	2490--	147 35	188 70
	"	7 B A	"	" --	922 10	30 14
Sept.	1.	209 A A	"	2857--	59 20	8 55
	"	110 A	"	" --	986 45	175 35
	"	37 E	"	" --	450 00	88 20
	"	23 E	"	" --	200 00	40 80
Oct.	1.	10 A	"	3055--	611 75	129 60
		Am't carried for'd ----------			179,997 95	5,242 12

795

1877.		Am't bro't for'd			179,997	95	5,242 12
Nov.	2.	D'g cert.	295 A by C. W.	3374	882	60	107 45
Dec.	3.		10 B	3574	1,388	25	320 85
"	"		13 A B B	"	120	45	27 90
1878.							
Jan'y	2.		37 B A	4	132	25	29 80
	"		263	"	500	00	76 65
	"		12 B B	"	210	60	50 20
Feb'y	1.		85 A	261	1,323	40	289 05
	28.		209 B A	636	108	65	20 05
	"		85 B	"	676	60	152 75
Apr.	1.		84 B	940	137	75	32 05
June	1.		84 A B	1888	549	35	134 65
July	1.		84 A A B	2405	369	30	92 85
Dec.	3.		37 F A	3380	171	42	49 88
1879.							
Feb'y	3, 4.		84000 A	314	199	90	59 90
M'ch	3.		84000 B	604	743	70	227 39
	"		2 A B	"	820	70	281 37
	"		37 D A	"	95	50	29 90
	"		2 A B	"	72	95	24 10
	"		3	"	2,000	00	661 33
	"		4	"	2,000	00	661 33
	"		5	"	2,000	00	661 33
Apr.	1.		200 A	875	798	40	269 45
May	2.		298 A	1144	154	25	36 40
June	2.		51 A	1415	1,659	30	547 20
July	2, 3.		114 A, 114 B A	1900	1,813	71	579 14
Aug.	11, 12.		167 B A B		52	40	16 20
Sept.	1, 2.		37 C		450	00	161 20
Oct.	1.		66 B A		340	00	120 58
"	31.		7 B C, 130 B A, 37 G A, 266 B, 37 B B		894	87	332 40
1880.							
June	1.		45 B	1066	66	85	27 50
Dec.	31.		209 C	2401	275	00	113 10
1881.							
Feb'y	2.		45 A A		292	90	138 20
Apr.	22.		297 C		134	20	166 85
1882.							
June	7.		298 B		289	00	26 00
Nov.	10–12.		36 or 76		1,300	00	774 50
1886.							
Feb'y	1–6.		465 or 45 A B A	104	219	75	89 40
		Total			203,241	95	12,621 02

796 *Statement Showing Amounts Paid to W. T. Mayo, Book-Keeper; J. B. Guthrie, Collector, and Others, Out of Drainage Collections from Feb'y, 1875, to October, 1888.*

1875.				
Feb'y	4.	C. W. 324, W. T. Mayo, sal'y Jan'y		200 00
	"	" 325, L. Larouque, " "		100 00
M'ch	6.	" 650, W. T. Mayo, " Feb'y		200 00
	"	" 651, L. Laroque, " "		100 00
	25.	" 966, J. Gresham, stat'y		19 75
Ap'r	6.	" 1131, W. T. Mayo, sal'y March		200 00
	"	" 1832, L. Laroque " "		100 00
May	6.	" 1617, " " Apr.		100 00
	"	" 1618, Mayo, " "		200 00
June	5.	" 2390, " " May		200 00
	"	" 2391, Larouque, " "		100 00
July	8.	" 2956, Mayo, " June		200 00
	"	" 2957, Larouque, " "		100 00
	27.	" 3147, J. A. Gresham, stat'y		58 15
	29.	" 3164, A. W. Hyatt, "		3 50
Aug.	4.	" 3286, Mayo, sal'y July		200 00
	"	" 3887, Larouque, sal'y July		150 00
Sept.	1.	" 3591, " " Aug.		150 00
	"	" 3592, Geo. Gordon, " "		75 00
	3.	" 3614, A. Morrison, sheriff Jefferson		17 40
	6.	" 3624, W. T. Mayo, sal'y Aug.		250 00
	9.	" 3675, J. Howard " "		60 00
	10.	" 3682, pay-roll surveyor, Aug.		370 00
	13.	" 3742, Jno. Burke, cl'k costs		297 30
	25.	" 3878, " "		141 90
	30.	" 3918, pay-roll surveyor, Sept.		189 18
	"	" 3919, " "		60 00
	"	" 3920, W. T. Mayo, "		250 00
	"	" 3921, G. M. Gordon, "		75 00
	"	" 3922, L. Larouque, "		150 00
Oct.	1.	" 3923, pay-roll surveyor		180 82
	30.	" 4233, H. L. Burns, clerk 2nd ju. dis.		500 00
Nov.	1.	" 4239, W. T. Mayo, "act 30, 1871"		250 00
	"	" 4240, L. Larouque, "		150 00
	"	" 4241, G. M. Gordon, "		75 00
	"	" 4242, L. Larouque, "		105 00
	5.	" 4311, Jno. Burke, "		588 50
	"	" 4312, Jas. Howard, "		60 00
	"	" 4313, Thos. Ford, "		60 00
	"	" 4314, R. H. Watkins, "		75 00
	"	" 4315, F. G. Uhlhorn, trus., "		235 00
Dec.	1.	" 4546, J. A. Gresham, "		55 50
	4.	" 4578, W. T. Mayo		250 00
	"	" 4579, L. Laroque		150 00
	"	" 4580, G. M. Gordon		75 00

1875.				
Dec.	10.	C.W. 4658, pay-roll surveyor, Nov.		125 00
	"	" 4659, 60, 61–63, pay-roll surveyor, Nov.		255 00
	15.	" 4699, pay-roll surveyor, Nov.		50 00
	17.	" 4990, Wasson & Nelson		13 50
797		Am't carried for'd		7,550 50
1875.		Amount bro't forward		7,550 50
Dec.	24.	C. W. 4900, Jno. Burke, clerk		48 40
1876.				
Jan.	4.	W. T. Mayo, sal'y for Dec.		250 00
	"	L. Laroque, " " "		150 00
	"	G. M. Gordon, " " "		75 00
	7.	Pay-roll surveyor, "		255 00
	"	J. A. Gresham, "		54 75
	"	Pay-roll surveyor		175 00
Feb'y	5.	C. W. 210, W. T. Mayo		250 00
	"	" 211, L. Laroque		150 00
M'ch	21.	" 620, Mayo		250 00
	"	" 622, L. Laroque		150 00
Apr.	6.	" 796, Mayo		250 00
	"	" 797, Laroque		150 00
	7.	" 804, J. A. Gresham		11 75
	8.	" 807, G. M. Gordon		55 00
	18.	" 967, E. Waggaman		1,174 00
May	6.	" 1088, W. T. Mayo		250 00
	"	" 1089, L. Laroque		150 00
	"	" 1353, J. M. Conway		17 00
June	3.	" 1453 A, W. T. Mayo		150 00
	"	" 1453 B, "		100 00
	"	" 1454, L. Laroque		150 00
July	5.	" 1727, W. T. Mayo		250 00
	"	" 1728, L. Laroque		150 00
Aug.	17.	" 1934, J. A. Gresham		9 25
		Draining districts contract:		
1876.				
Aug.	1.	C. W. 1875, W. T. Mayo,	3539	200 00
	"	" 1876, J. B. Guthrie,	"	300 00
	"	" 1877, " comm'rs,	"	309 15
	18.	" 1946, E. Waggaman,	"	1,417 15
Sept.	6.	" 1984, W. T. Mayo,	"	200 00
	"	" 1985, J. B. Guthrie,	"	300 00
	"	" 1985 A, " comm'rs,	"	134 05
Oct.	3.	" 2100, W. T. Mayo,	"	200 00
	"	" 2101, J. B. Guthrie,	"	300 00
	"	" 2102, do. comm'rs,	"	77 35
Nov.	4.	" 2267, W. T. Mayo,	"	200 00
	"	" 2268, J. B. Guthrie,	"	300 00
	"	" 2269, do. com's,	"	51 05

1876.						
Nov.	25.	C. W.	2399, E. Waggaman,	3539		480 15
Dec.	2.	"	2439, W. T. Mayo,	"		200 00
	"	"	2440, J. B. Guthrie,	"		365 30
1877.						
Jan.	4.	"	2, W. T. Mayo,	"		200 00
	"	"	3, J. B. Guthrie,	"		40 65
Feb.	1.	"	182, W. T. Mayo,	"		200 00
	"	"	183, J. B. Guthrie,	"		337 40
798			Am't carried forw'd			17,038 10
1877.			Amount bro't for'd			17,038 10
M'ch	6.	C. W.	421, W. T. Mayo,	3539		200 00
	6.	"	422, J. B. Guthrie,	"		363 40
Ap.	2.	"	674, W. T. Mayo,	"		200 00
	"	"	675, J. B. Guthrie,	"		342 80
May	5.	"	1020, W. T. Mayo,	"		200 00
	"	"	1021, J. B. Guthrie,	"		329 15
June	5.	"	1516, W. T. Mayo,	"		200 00
	"	"	1517, J. B. Guthrie,	"		347 85
	26.	"	1925, E. Waggaman,	"		589 71
July	5.	"	1986, W. T. Mayo,	"		200 00
	"	"	1990, J. B. Guthrie,	"		393 15
Aug.	7.	"	2487, W. T. Mayo,	"		200 00
	"	"	2488, J. B. Guthrie,	"		360 95
Sept.	1.	"	2858, W. T. Mayo,	"		200 00
	"	"	2860, J. B. Guthrie,	"		364 35
Oct.	3.	"	3071, W. T. Mayo,	"		200 00
	"	"	3075, J. B. Guthrie,	"		331 80
Nov.	2.	"	3373, W. T. Mayo,	"		200 00
	"	"	3375, J. B. Guthrie,	"		338 20
Dec.	3.	"	3586, do.	"		360 45
"	"	"	3578, W. T. Mayo,	"		200 00
1878.						
Jan.	4.	"	28, W. T. Mayo			200 00
	"	"	29, J. B. Guthrie			338 45
Feb'y	4.	"	266, Mayo			200 00
	"	"	282, Guthrie			354 10
M'ch	2.	"	642, Mayo			200 00
	"	"	653, Guthrie			337 40
Apr.	4.	"	951, Mayo			200 00
	"	"	952, Guthrie			317 15
May	4.	"	1285, Mayo			200 00
	"	"	1286, Guthrie			314 45
June	3.	"	1891, Mayo			200 00
	4.	"	1912, Guthrie			328 70
July	5.	"	2411, Mayo			200 00
	"	"	2412, Guthrie			324 65
	"	"	2431, Jos. Garidel			10 00
Nov.	18.	"	3328, Mayo			800 00

1878.				
Nov.	18.	C. W.	3329, Guthrie	868 95
Dec.	10, 11.	"	3430, Mayo	157 00
	"	"	3431, Guthrie	157 75
1879.				
Jan'y	3.	"	7, Mayo	179 75
	"	"	8, Guthrie	239 15
	4.	"	307, Mayo	263 25
	"	"	308, Guthrie	468 95
M'ch	3.	"	589, W. T. Mayo	200 00
	"	"	590, Guthrie	656 05
	"	"	591, "	289 60
799			Am't carried for'd	31,165 26
1879.			Amount bro't for'd	31,165 26
Apr.	1.	C. W.	876, J. B. Guthrie	342 25
		"	877, W. T. Mayo	200 00
		"	878, Guthrie	375 00
		"	879, "	50 90
May	5, 6.	"	1155, W. T. Mayo	184 00
		"	1156, Guthrie	243 95
		"	1157, do.	11 00
June	2.	"	1414, Mayo	216 00
		"	1431, Guthrie	87 15
		"	1432, "	342 05
		"	1714, Mayo	200 00
		"	1715, Guthrie	264 80
		"	1716, "	73 25
Aug.	11, 12.	"	2046, Mayo	200 00
		"	2047, Guthrie	349 20
		"	2048, "	24 05
		"	2049, "	41 90
Sept.	1, 2.	"	2144, T. H. Handy	177 13
		"	2149, Guthrie	300 00
		"	2150, "	26 20
		"	2151, Mayo	200 00
Oct.	4–6.	"	2366, "	200 00
		"	2367, Guthrie	300 00
		"	2368, "	24 68
Nov.	1–3.	"	2482, Mayo	200 00
		"	2483, Guthrie	300 00
		"	2484, "	45 59
Dec.	1, 2.	"	2692, Mayo	149 00
		"	2693, Guthrie	198 85
1880.				
Jan.	3–5.	"	6, Guthrie	101 05
	"	"	7, Mayo	51 00
	2.	"	249, Guthrie	142 20
	"	"	250, Mayo	92 15
M'ch	3–5.	"	593, "	307 85

1880.				
		C. W.	594, Guthrie	351 35
		"	595, "	34 20
Apr.	1.	"	858, "	488 75
		"	859, Mayo	250 00
May	1–3.	"	1007, Guthrie	317 55
		"	1008, Mayo	200 00
June	1.	"	1068, Guthrie	160 00
	"	"	1069, Mayo	110 25
July	2.	"	1416, Guthrie	340 15
	"	"	1417, Mayo	239 75
Aug.	3.	"	1712, Guthrie	300 00
	3.	"	1713, Mayo	200 00
Sept.	2.	"	1846, Guthrie	193 70
		"	1847, Mayo	143 75
			Am't carried for'd	40,515 91
800				
1880.			Am't bro't for'd	40,515 91
Oct.	1, 2.	C. W.	1961, J. B. Guthrie	106 30
	"	"	1962, W. T. Mayo	56 25
Nov.	1–3.	"	2133, Guthrie	123 00
	"	"	2134, Mayo	72 95
	"	"	2136, F. M. Butler	27 50
Dec.	1.	"	2251, W. T. Mayo	153 85
		"	2252, Jas. B. Guthrie	227 00
1881.				
Jan'y	3.	C. W.	4, W. T. Mayo	109 20
	"	"	5, J. B. Guthrie	159 45
Feb'y	2.	"	213, Mayo	64 00
	"	"	" Guthrie	81 75
M'ch	2.	"	392, Mayo	75 00
	"	"	393, Guthrie	281 15
June	1.	"	do.	231 15
	"	"	Mayo	50 75
	"	"	Guthrie	118 80
	"	"	Mayo	43 85
July	19.	"	1526, Guthrie	142 70
	"	"	1527, Mayo	67 75
Aug.	13.	"	1811, "	81 00
	"	"	1812, Guthrie	409 40
Sept.	20.	"	1961, Mayo	87 40
	"	"	1962, Guthrie	162 40
Nov.	3.	"	2299, Mayo	47 25
	"	"	2300, Guthrie	122 15
Dec.	2.	"	2425, Mayo	19 10
	4.	"	2426, Guthrie	94 10
1882.				
Jan'y	6.		J. B. Guthrie	132 00
	23.		C. W. Besancon	79 05
	28.		do.	10 80

1882.				
Feb.	1.		W. Mayo	25 70
	"		J. B. Guthrie	100 65
M'ch	13.		W. T. Mayo	58 40
	"		J. B. Guthrie	87 60
	23.	C. W.	885, C. W. Besancon	36 80
May	3.	"	886, W. T. Mayo	64 05
	"	"	955, Guthrie	160 10
	8.	"	956, W. T. Mayo	238 85
	"	"	G. B. Guthrie	358 30
June	8, 9.	"	do.	53 75
	"	"	W. T. Mayo	32 80
July	10.	"	1591, Guthrie	105 09
	"	"	1592, Mayo	32 15
Aug.	5.	"	1834, Guthrie	150 90
	"	"	1835, Mayo	100 65
Sept.	28.	"	2174, "	171 25
	"	"	2175, Guthrie	271 65
801			Am't carried for'd	46,001 65
1882.			Am't bro't for'd	46,001 65
Nov.	4.	C. W.	2386, J. B. Guthrie	29 00
	"		2387, W. T. Mayo	57 05
	17.		2426, do.	60 00
	"		2427, J. B. Guthrie	116 30
Dec.	29.		do.	85 30
1883.				
Jan'y	20.		W. T. Mayo	67 35
	"		J. B. Guthrie	79 15
Feb'y	16.		Mayo	46 90
	15.		Guthrie	46 95
Apr.	2.		Mayo	43 05
	"		Guthrie	43 10
May	1.		Mayo	36 55
	"		Guthrie	36 55
June	18.		Mayo	128 05
	"		Guthrie	128 10
July	21.		Mayo	68 20
	"		Guthrie	76 80
Sept.	3.		Mayo	29 00
	"		Guthrie	29 85
Dec.	1.		Mayo	86 80
	"		Guthrie	90 15
1884.				
Jan.	2.		W. T. Mayo	30 85
	"		J. B. Guthrie	30 90
Feb.	16.		Mayo	23 95
	"		Guthrie	29 90
Mar.	13.		Mayo	41 75
	"		Guthrie	41 80

1884.			
Apr.	15.	Mayo	64 75
	"	Guthrie	64 80
May	12.	Mayo	39 75
	"	Guthrie	94 45
June	3.	Mayo	120 05
	"	Guthrie	120 10
July	31.	Mayo	90 30
	"	Guthrie	27 30
Sept.	4.	Mayo	38 55
	"	Guthrie	77 60
Oct.	11.	Mayo	53 85
	"	Guthrie	55 40
Nov.	18.	Mayo	54 20
	"	Guthrie	54 25
Dec.	20.	Mayo	
	"	Guthrie	81 00
1885.			
Feb'y	21.	W. T. Mayo	34 40
	"	Guthrie	68 75
Apr.	7.	Mayo	36 80
"	"	Guthrie	72 80
802		Am't carried for'd	48,834 10
1885.		Amount bro't forward	48,834 10
May	13.	W. T. Mayo	58 05
	"	J. B. Guthrie	58 05
June	4.	Mayo	28 85
	"	Guthrie	67 25
July	2.	Mayo	43 25
	"	Guthrie	123 55
Aug.	11.	Mayo	42 95
	"	Guthrie	42 95
Sept.	3.	Mayo	73 00
	"	Guthrie	97 00
Oct.	7.	Mayo	13 90
		Guthrie	44 10
Nov.	7.	Mayo	44 10
	"	Guthrie	33 90
1886.			
Jan.	4.	W. T. Mayo	23 30
	"	J. B. Guthrie	23 35
Mar.	6.	Mayo	24 25
"	"	Guthrie	24 25
Mar.	1.	Mayo	103 65
Apr.	12.	"	28 60
	"	Guthrie	28 60
May	1.	Mayo	44 15
Mar.	"	Guthrie	103 70
May	1.	"	65 85

1886.			
June	1.	Mayo	119 40
"	1.	Guthrie	30 25
July	1.	"	65 50
"	1.	Mayo	49 80
Aug.	2.	"	38 80
	2.	Guthrie	38 80
Oct.	2.	Mayo	37 20
	2.	Guthrie	37 25
Dec.	1.	Mayo	44 15
	1.	Guthrie	44 15
	31.	Mayo	22 75
	31.	Guthrie	22 75
1887.			
Jan'y	31.	Mayo	39 80
"		Guthrie	39 80
Mar.	1.	Mayo	30 40
"		Guthrie	30 40
	31.	Mayo	28 15
"		Guthrie	28 15
May	2.	Mayo	18 15
"		Guthrie	18 20
	25.	Mayo	28 05
"		Guthrie	28 10
June	30.	Mayo	47 10
"		Guthrie	47 25
803		Amount carried for'd	51,009 00
1887.		Amount bro't for'd	51,009 00
Aug.	1.	W. T. Mayo	25 00
	1.	J. B. Guthrie	34 40
Sept.	30.	Mayo	40 95
"		Guthrie "5285"	18 45 / 34 40
Nov.	5.	Mayo	35 85
		Guthrie	35 85
Dec.	8.	Mayo	20 00
	31.	"	38 00
	8.	Guthrie	62 70
	31.	"	48 00
1888.			
Feb.	15.	Mayo	64 05
	15.	Guthrie	64 05
Apr.	3.	Mayo	34 65
"		Guthrie	34 60
May	3.	Mayo	59 35
"		Guthrie	59 35
	31.	Mayo	23 25
"		Guthrie	23 25
July	2.	Mayo	43 50

1888.			
July	2.	Guthrie	43 55
	31.	Mayo	61 75
	"	Guthrie	61 75
Sept.	11.	Mayo	15 45
	"	Guthrie "1550"	10
			15 40
		-Total	52,006 65

804 *Statement Showing Amounts Paid in Cash to Holders of Drainage Warrants.*

				Warrants.	Interest.	Dr'ge certificate No.
1875.						
Jan.	27	C. W. 288, W. Van Norden, transferee.		364 44	2 41	491 B.
Apr.	20	" 1361,	"	154 00	1 00	36
May	18	" 1737,	"	595 50	1 19	89
June	18	" 2465,	"	1,000 00	"	106
"	30	" 2810,	"	1,000 00	5 00	105
July	23	" 3105,	"	471 25	4 80	107
Aug.	9	" 3341,	"	1,000 00	6 66	130
	17	" 3398,	"	1,000 00	19 96	131
	"	" "	"	872 12	"	132
	24	" 3512,	"	1,608 00	7 15	133, 135
	30	" 3571,	"	1,000 00	5 77	136
Sept.	18	" 3814,	"	686 22	2 44	164
Oct.	1	" 3931,	"	800 00	"	161
	8	" 4022,	"	200 00	6 44	161
	"	" 4023,	"	879 50	1 17	183
	14	" 4069,	"	1,527 25	57 68	68
	"	" "	"	1,000 00	2 67	182
	21	" 4169,	"	1,500 00	6 33	167 A
Nov.	5	" 4316,	"	1,000 00	14 22	162
	27	" 4533,	"	1,119 52	4 85	193 B, 215
Dec.	10	" 4662,	"	500 00	88	234
	"	" "	"	450 00	80	239 A
	20	" 4833,	"	177 32	2 88	167 B B 239 B
	24	" 4904,	"	870 00	8 50	207 A
1876.						
Jan'y	13	" 95,	"	130 00	1 80	207 B
Apr.	3	" 755,	"	793 75	6 25	257, 267, 273
	19	" 974,	"	926 12	17 88	213, 235
	25	" 1024,	"	600 00	19 20	219 B
May	5	" 1085,	"	73 88	15 44	235 balance.
	27	" 1419,	"	1,000 00	39 50	219 A A
July	8	" 1763,	"	100 00	4 85	219 B B
		Total		23,398 87	267 72	

805 *Statement Showing Amounts Paid For Old Draining Acc's.*

1871.			
Mar.	20.	L. Larcque, cl'k, w't 3100	163 66
Dec.	7.	Gubernator & Terry, 3246–48	2,500 86

1872.			
Jan'y 26.	John Clark, boilers, 187	1,785	00
Feb'y 17.	J. S. Welton, "check b'k," 348	4	00
June 30.	Walker's judgment & dis.	4,444	44
May 31.	John Clark, w't 1038	1,839	55
July 10.	L. F. Barrett, 1233	69	50
Aug. 17.	Ch's G. De Lisle, 1449	901	85
28.	Fellows & Mills, 1520	95	65
29.	Ch's G. De Lisle, 1574	159	54
Sept. 24.	John Clark, 1674	1,496	04
1873.			
May 31.	John Clark, C. W. 818	2,022	27
July 31.	Field & Bell, " 1349	183	00
9.	J. D. Hill, " 1152 & 1268	3,000	00
8.	Ben. " 1348	1,161	09
1874.			
Jan. 9.	Field & Bell, C. W. 48	733	63
9.	Bridge & Son, " 49	933	03
9.	Geddes & Shakespeare, C. W. 50	1,999	19
9.	Fellows & Mills, " 51	1,654	99
1871.			
Sept. 30.	7-30, issued to Roselius & Phillips, being for 10% att'y's fees, judg't *vs.* city	18,971	00
	Total	44,118	29

806 148. *Copy of Statement of Shaw, Administrator of Public Accounts, to the City Council in* 1872.

Extract from a report of Alfred Shaw, administrator of public accounts of the city of New Orleans, to the council of said city, addressed as follows:

DEPARTMENT OF PUBLIC ACCOUNTS,
NEW ORLEANS, *July 1st*, 1872.

To the council of the city of New Orleans:

In accordance with section nine of the city charter, I herewith present the report of the department of public accounts for the half year ending June 30, 1872, embracing—

1. The claims and accounts against the city warranted for —.
2. Statement of the indebtedness of the city.
3. Estimates of the receipts and expenditures for the six months beginning with date July 1, 1872.
4. Supplement.—In the form of a supplementary report on city affairs will be appended such information and suggestions not required by the law to be embraced in a semi-annual report as seem to be called for for the better understanding of the subjects to be named under the respective headings.

Respectfully submitted,

(Signed) ALFRED SHAW,
Administrator.

* * * * * * *

The Mississippi and Mexican Gulf Canal Company.

The effect of act No. 30 of 1871 was to give a new phase
807 to the drainage question. It abolished the boards of draining commissioners, which in fact had had but a disputed existence since the Ship Island act of 1869. During the interval they had only been partially in operation, their taxes were generally disputed and withheld, and they were wasting their means and incurring debts in litigation.

The effect of the act in the acceleration of work has been good, for mroe excavation and drainage have been effected than for years before. By the word drainage as here used a widely different meaning is intended from that under the head of city expenses. That means the expenses of pumping, labor, coal, etc., which are current expenses of the system. Here is meant the ditching, canalling, and leveeing, including the protection levee, which are the foundation of the system, without reference to draining off the water pending and after the completion of the works. The latter is to be paid for out of the city-expense tax, the former out of the drainage tax.

But while the Mexican Gulf act has hastened the work, it has not diminished the litigation against the tax nor the complications of the subject in general. However great its efficiency, it has furnished two new points of litigation. Its friends maintain strenuously that it is a *bona fide* fulfilling of the original design of the drainage; that the tax is not diverted from its object, but, on the contrary, the object is secured and realized; that the changes of detail were strictly within the legislative power and in nowise impair the success of the original plan, but are improvements on it.

808 The Legislature is held always to have so much control over its purposes, and they are not exercised against, but in furtherance of, the interest of the drainage-tax payers.

It need not be described how strenuously this is disputed, and the further objection made that the Legislature erred and exceeded its power in fixing the price of excavations and embankments at fifty cents per yard each, instead of letting the city of New Orleans contract. To this it is responded that there was but one company with machinery on hand to go to work, and consequently to compete; that litgants should have enjoined at first if they had objection before the cost was incurred; that the work is now going on and can only be stopped by the Legislature, and must be paid for as it goes, and the tax is valid accordingly.

The course of the city.

The provisions of act 30 of 1871 were exceedingly peremptory. They gave the city no chance but to go forward or have a new and dangerous lawsuit. The act says, Lay down the lines and fix the locations, or the city must pay damages, which would be tantamount perhaps to paying for the work without having it done. The city accordingly obeyed the letter of the law, reserving future rights, and none of the drainage tax payers enjoined or opposed except as pre-

vious to act No. 30 by non-payment and awaiting to oppose tableaux of assessment when filed.

These have since been filed and opposed, and Judge Collins has decided against homologating them on the ground that assessments can neither be levied nor collected based upon uncompleted work, but only on work as far as performed and ascertained as to cost.

809 The conflicting doctrine was that the estimate and levy created the debt and authorized the assessment, which, by being collected in advance or during the work, would give the city the advantage of the cash system; the necessity or right to create a debt before providing for it by taxation was disputed.

Until the rupreme court passes on these questions we will not know what effect the drainage matter will have upon the finances. We have already (Sept. 2, 1872) issued certificates for new consolidated bonds, drainage series, to the amount of $485,081, not including payments due for August (about 41,500). If we will not be able to collect the drainage tax these will fall among the ordinary city debt and cause additional taxation for a sinking fund, according to section 15 of act No. 73 of 1872.

There are two questions which will claim the attention of the next Legislature, and on which the city should make its decision, so as to have its wishes known: First, shall this work go on without reference to the uncertainty of getting the drainage tax to extinguish the bonds? If so, we will soon reach the $23,000,000 of limit and may have to grapple with the addition to debt out of the ordinary city taxes or by adding to the city debt tax. Second. Shall the city have the right to discontinue the payment of fifty cents per cubic yard and negotiate or contract by competition for reduced terms? If the city can materially reduce the future expenditures without imperiling or injuriously delaying the work it ought to be permitted to do so. The Mississippi and Mexican Gulf Canal Company can have no right to be paid for or to continue the work

810 after the legislative will is withdrawn. Whether materially better terms are attainable is a question which it seems to me could be ascertained from sources competent to judge, and the city and the Legislature could avoid taking any unadvisable step.

The work is now going on at the rate of about $42,000 in bonds per month.

First draining district.

The first draining district is bounded by the Mississippi river, Julia street, the New canal, Lake Pontchartrain, Bayou St. John, Canal Carondelet, and St. Peter street. For this district ten assessments have been made and one homologated. Total assessments, $705,628.30; amount collected, $86,478.78; amount uncollected, $619,149.52; expended by commissioners, $25,367.09; by city, $167,653; total, $193,000.00.

Total future works estimated — $787,671.

Collections for the — ending June 30, 1872—assessments, $7.066.23; interest, $823.56; ten per cent. for legal expenses, $567.81; total, $8,466.60.

In this district the principal litigation has occurred, indeed the only litigation against assessments. This was owing to the fact that the previous board of commissioners for that district avoided or postponed making all assessments beyond the first. The oppositions were made under the present city administration in its application to homologate the other nine.

Another matter of litigation is peculiar to this district and does not exist in the others. It arises from the fact that there was
811 a previous drainage district and now a part of it and bounded by Claiborne, New canal, Metairie Ridge, Bayou St. John, and Canal Carondelet. Some of the property-owners contend that upon paying the dues to that the right against them was exhausted. On the other hand, however, it is contended that paying one drainage does not exhaust the power of the State to claim contribution to another, but the servitude exists forever, as long as new works or different exigencies may require them. The contribution to one system was recompensed by its benefits, but does not preclude the requirement at a later date of a more powerful and exhaustive system. The duty of drainage lasts as long as the necessity exists or recurs. Acting upon this principle, a considerable portion of the property-holders of this as well as other parts of the first draining district have settled up their entire drainage accounts to the extent even of the entire assessments not homologated, preferring a complete title clearing their property in preference to having any litigation on the subject.

Second draining district.

The second drainage district is bounded by the New canal, Julia street, Mississippi river, upper line of Carrollton and Jefferson railroad to the lake.

In this district all the assessments, ten in number, were homologated, but two were remitted by an act of the Legislature, signed by acting Governor Flanders. The validity of this act was a matter of dispute, but the result seems to have been that only eight as-
812 sessments are required to be settled. With regard to these there has been no opposition, but a judgment has been rendered against the city by the fifth district court in favor of the New Orleans Canal and Banking Company and George L. Bright, refunding drainage tax paid late commissioners on lands above the New canal and out of the parish of Orleans. The grounds have been that the wording of the Noyes drainage act (No. 30 of 1871) does not authorize with sufficient certainty works out of the city of New Orleans, though the company are in fact executing them, so as to include the entire original second drainage district.

It is further contended that the title of the act only includes the drainage of the city of New Orleans; hence the suit and judgment for refunding which the city has appealed from; but it is urged in return that the city is practically carrying out the full design of the original acts which could not be and were not repealed by the Noyes drainage act, so far as could affect the drainage payers out of the parish of Orleans. In that particular the city has regarded the two

acts or systems as complimenting each other and not conflicting in any manner to prevent the carrying out of all obligations of those lands, and by this reasoning, as well as that the city of New Orleans never got it, the claim for the back — is contested. It is held that it was collected by the drainage commissioners upon a legal as well as a natural obligation and expended by them for the purposes intended. Without any reference to these suits the Legislature sought to cure the defects of expression of the law and extended the application of act No. 30 of 1870 to expressly and thoroughly carry out former drainage in all essentials. Of course, exercising the
813 right to improve the system and institute beneficial changes, this would show a continuous legislative intention not to divert the drainage assets or to impair the interests of the payers, but carry them out more effectually, and it will not imply that a cure of the effect was needed, the repeal of the provisions so revived having been unconstitutional.

In this district in general no opposition to the tax is made other than described; payments are increasing, but the city is not enforcing any of its judgments by execution.

The total assessments not remitted are $681,750.05; amount collected, $270,517.05; amount uncollected, $411,233.40; paid out for canalling and drainage machines by commissioners, $200,000; by city, $153,527; future work estimated at $413,671.00; collections for the year ending June 30, 1872—for assessments, $4,687.40; interest, $1,061.05; legal expenses, $467.90; total, $6,216.35.

Third draining district.

This district extends from St. Peter street down to Lafayette avenue and from the river to the lake. The entire assessments were made and homologated last June without any legal opposition, the owners of property seeming to be satisfied. Entire assessments, $627,598.94. The district being only newly organized, the payments to July 1, 1872—which date these figures, where not otherwise stated, are made up to—were but $330.30; uncollected, $627,598.94; expended by city, $58,744.50; estimate of future works, $744,307.

814 Fourth draining district.

This district extends from Lafayette avenue to the lower line of the city and from the river to Florida avenue.

The tableaux of assessment are being made out. They will amount to $384,000; of course none has been collected. The estimated future work will be $702,470.50.

Recapitulation.

Whole assessment of four districts	$2,398,977 69
Due by city for streets, etc.	763,378 69
Assessed to individuals	1,635,599 00
Less collected from individuals	357,326 13
Due from individuals	1,278,272 87
Paid by commissioners and city for drainage	605,280 56

To show the amounts due by the city for drainage of streets, public places, etc., separately from private individuals, the following table is given:

	Due by individuals.	By city.	Total.
First drainage district	$387,981 00	$231,160 50	$619,149 52
Second drainage district	212,050 00	199,183 40	411,233 40
Third drainage district	422,241 85	205,026 79	627,268 64
Fourth drainage district	256,000 00	128,000 00	384,000 00
	$1,278,272 87	$763,378 69	$2,041,651 56

Work Done by the City.

From July 7, 1871, to July 1, 1872, 47,274 running feet of canals excavated, viz:

	Feet.
First drainage district, from Julia to St. Peter streets,	
815 River Mississippi to Lake Pontchartrain	21,894
Second draining district, from Julia to upper line of Carrollton, river to lake	14,138
Third draining district, from St. Peter to Lafayette avenue, river to lake	11,242
Fourth draining district	None.
Total excavation in feet	47,274

Statement of Cubic Yards of Canal Excavation from July 7, 1871, to July 1, 1872.

First draining district, 335,266 cubic yards, at 50c.		$167,633
Second draining district, 201,318 cubic yards, at 50c.		100,659
Third draining district		None.
	654,073	327,036

Protection Levees.

Second draining district, 12,370 running feet; 141,773 cubic yards, at 37½	52,868
3,296 cubic yards, at 12½	
Cost	$379,904

149. Deposition of J. L. Newman, copied at page 907 of this transcript.

816 150. Deposition of A. P. Harrison, copied at page 910 of this transcript.

817 *Extract from Register of 7-30 Certificates Showing Amount and Number Issued to C. Roselius and A. Phillips in Payment of Att'y Fees for Recovering Drainage Tax-Judgments vs. City New Orleans, Ordinances 854 & 882.*

818 & 819 Extract from the register of 7-30 certificates issued in conformity with provisions of ordinance No. 882, administration series, passed June 8, 1871.

No.	Date.	To whom issued.	Budget account.		For what issued.	Ordinance.	Amount.	When retired.	Interest memo.			Vouchers.
									No.	*Days.*		
4	July 12, 1871	C. Roselius & A. Phillips...			Fees in drainage suits...	Ordinance 954	$1,000 00	.....	24	173	34 60	
5	"	Do. ...	First drainage district:		.....	"	1,000 00	.....	"	"	34 60	
6	"	Do. ...	10% of $25,751.15	$2,575 00	.....	"	1,000 00	.....	"	"	34 60	
7	"	Do. ...			.....	"	1,000 00	.....	"	"	34 60	
8	"	Do. ...	Second drainage district:		.....	"	1,000 00	.....	"	"	34 60	
9	"	Do. ...	10% of $163,961.90...	$16,396 19	.....	"	1,000 00	.....	"	"	34 60	
10	"	Do. ...			.....	"	1,000 00	.....	"	"	34 60	
11	"	Do. ...	1st district:		.....	"	1,000 00	.....	"	"	34 60	
12	"	Do. ...	Judgment	$19,962 40	.....	"	1,000 00	.....	"	"	34 60	
13	"	Do. ...	Int.....	5,788 15	.....	"	1,000 00	.....	"	"	34 60	No. 4 to 22
14	"	Do. ...			.....	"	1,000 00	.....	"	"	34 60	
15	"	Do. ...		$25,750 15	.....	"	1,000 00	.....	"	"	34 60	
16	"	Do. ...			.....	"	1,000 09	.....	"	"	34 60	
17	"	Do. ...	2nd district:		.....	"	1,000 00	.....	"	"	34 60	
18	"	Do. ...	Judgment	$123,296 65	.....	"	1,000 00	.....	"	"	34 60	
19	"	Do. ...	Int.....	40,682 25	.....	"	1,000 00	.....	"	"	34 60	
20	"	Do. ...			.....	"	1,000 00	.....	"	"	34 60	
21	"	Do. ...		$163,961 90	.....	"	1,000 00	.....	"	"	34 60	
22	"	Do. ...			.....	"	971 00	.....	25	"	33 60	

820 152. *Copy of Warrant for Gold Bond.*

No.—. $—.

Warrant for new consolidated bonds, department of public accounts.

Ordinances Nos. 1484, 1499, 1525, and No. 1599, administration series.

NEW ORLEANS, —— —, 187–.

To the administrator of finance:

Deliver to —— —— or the bearer, upon the presentation and surrender hereof (and not otherwise), new consolidated gold bonds to the amount of — dollars and — cents.

—— ——,
Mayor.

—— ——,
Adm'r Finance.

—— ——,
Administrator of Public Acc'ts.

NOTE.—This warrant, like the bond, bears gold interest at the rate of seven per cent. per annum, payable on the 1st of January, April, July, and October.

Warrants presented to the administrator of finance for exchange into bonds must amount to not less than one thousand dollars (the amount of a bond), but another warrant will be issued for any excess.

(Endorsed:) Warrant for new consolidated bonds Nos. —; date, —— —, 187–; issued to —— —— or bearer.

821 153 *and* 154. *Copy of Memorandum of Drainage Warrants Deposited in the Department of Public Accounts by J. W. Pearce, &c., and a Copy of Receipt by J. W. Pearce, &c.*

"Copy."

CITY OF NEW ORLEANS, *May* 15, 1872.

Memorandum of drainage warrants deposited this day in the department of public accounts by J. W. Pearce for conversion into new consolidated bonds under ordinances # 1484 and 1507, A. S., viz:

No. 31,	$1,000	, 8% per ann. int. from Sep. 4, 1871, 254 days		$56 44
33,	1,000			56 44
34,	1,000			56 44
254,	19,549	May 7, 1872, 8		34 75
	$22,549			$204 07
	204 07 interest.			
	$22,573 07, equal, at 90 cents on the dollar, to			$25,291 19

For which amount an issue of warrants for new consolidated bonds, drainage series, signed by the mayor and administrator of finance and attested by the administrator of public accounts, is hereby authorized as follows:

Nos. 24 & 25, 2 warrants for	$10,000 each	$20,000 00
26 to 29, 4	1,000	4,000 00
30, 1		1,281 19
		$25,281 19

(All dated May 15, 1872.)
Countersigned, J. C.
(Signed) BENJ. F. FLANDERS, *Mayor.*
JNO. S. WALTON, *Ad. Finance.*

822 "Copy."

NEW ORLEANS, *May* 16, 1872.

Received from the city of New Orleans warrants (drainage series) for twenty-five thousand two hundred and eighty-one $\frac{19}{100}$ dollars for conversion into new consolidated bonds in exchange for drainage warrants this day surrendered by me to the city and the interest thereon, as per statement dated this day, signed by me, and also deposited in the dep't of public accounts, the warrants (drainage series) received by me being as follows:

No-. 24 & 25, 2 warrants, dated May 15, 1872,	$10,000 each	$20,000 00
26 to 29, 4	1,000	4,000 00
30, 1		1,281 19
		$25,281 19

(Signed) J. W. PEARCE.

155 & 156. *Copy of Order of L. A. Wiltz, Mayor, on Adm'r of Public Acct's to Deliver to W. Van Norden, &c., and Receipt of W. Van Norden for Warrants, &c.*

"Copy."

CITY OF NEW ORLEANS, *July 7th*, 1874.

The administrator of public accounts is authorized and directed to deliver to W. Van Norden six thousand $\frac{00}{100}$ dollars in
823 a warrant for new consolidated bonds, drainage series, No. 302, in conformity with ordinances # 1484, 1507, 1554, and 1563, A. S., for drainage warrant No. 437, dated July 3rd, 1874, amounting to $5,400, which has been deposited in the department of public accounts for conversion into new consolidated gold bonds, drainage series, equal, at the rate of 90 cents on the dollar, to $6,000.
Countersigned, N. C. S.
(Signed) LOUIS A. WILTZ, *Mayor.*
LOUIS SCHNEIDER,
Am'r of Finance.

NEW ORLEANS, *July 7th*, 1874.

Received from John Calhoun, administrator of public accounts, warrant No. 302, dated July 3rd, 1874, for six thousand dollars in new consolidated gold bonds, drainage series, in full for drainage warrant above described.

$6,000.

(Signed) W. VAN NORDEN.

157. *Ordinance* 264, *Council Series.*

MAYORALTY OF NEW ORLEANS,
CITY HALL, 20*th April*, 1883.

(No. 264, council series.)

Resolved, That a committee of five be appointed to investigate and report whether or not drainage taxes are being now ex-
824 acted and collected from parties selling real estate in the city of New Orleans and against which property said drainage taxes have been recorded in the mortgage office; by what authority said drainage taxes are being collected heretofore; how much has been collected, and what became of the amount so collected; also whether or not it has been decided by the supreme court of the State that said drainage taxes are illegal.

Adopted by the council of the city of New Orleans 17th of April, 1883.

M. McNAMARA,
Clerk of Council.

Approved 20th April, 1883.

W. J. BEHAN, *Mayor.*

A true copy.

C. L. WALKER,
Secretary of Council.

158. *Report of Committee on Drainage.*

Extract from printed proceedings of council.

Report by special committee on drainage tax.

NEW ORLEANS, *May* 15, 1883.

To the hon. the mayor and council of the city of New Orleans:

Your special committee appointed to investigate the status of the drainage tax beg leave to report as follows:

The drainage tax is entirely imposed by acts of the Legis-
825 lature, the history and particular provisions of which it is wholly unnecessary to review in detail. These acts sought to introduce and carry out a scheme of drainage and reclaiming of lands in and about the parish of Orleans. To pay the cost of drainage a certain ad valorem tax per superficial square foot was imposed

on all property under certain formalities, and its registry in the mortgage office operated a privilege on the property until the tax is paid.

Under act No. 30, acts of 1871, a private corporation, the Mississippi and Mexican Gulf Ship Canal Company, was charged with the work, and "drainage warrants" were issued in payment for the work done under the act, payable out of any money in the treasury to the credit of the said company, which declaration is equivalent to saying payable out of drainage tax.

In 1876 the city, under authority of an act of the Legislature, took charge of the works of the Mississippi and Mexican Gulf Ship Canal Company, and one Warner Van Norden — act before G. LeGardeur, notary, dated June 7, 1876. The sale was made for the sum and consideration of $300,000, payable in drainage warrants. By this transfer the rights of all holders of drainage warrants were recognized, and, consistently with the idea that these drainage warrants could only be paid out of the drainage tax, a bureau of collection in charge of a collector was agreed to, who was authorized in the name of the city, for the benefit of the warrant holders, as an agent of the parties, to collect and, under charge and control of the financial *affairs* of the city, account for and disburse the drainage tax collected.

826 In this manner a large amount of drainage tax has been collected. A large amount is outstanding, but it is mainly on property actually worth less than the amount — tax itself, as the tax is two mills per superficial foot. It is easily understood that on large tracts in the rear of the city the total tax exceeds the cash value of the property.

It is estimated by those who have had charge of the collections that of the amount outstanding, all other conditions permitting, the sum of one hundred and twenty thousand dollars could be collected. The officer appointed under the contract referred to informs the committee that since 1881 the collections have not been sufficient to defray the expenses of the collection bureau as organized under the contract.

There is not now and there has not been for some time any forced collections of this tax by the city. None of her officers or attorneys other than those mentioned in the contract of June 7th, 1876, collected or attempted to collect drainage tax.

It appears that some drainage tax is continually paid into the city in connection with transfer of real estate. Whenever a piece of property is about to change hands the drainage tax, unless previously paid, appears on the mortgage certificate as a registered lien. As the tax is on superficial area, it is frequently on available improved property of insignificant amount, and, as the purchaser insists on a clear title, the tax is paid, as it may cost less than to obtain an order of court to cancel it.

If there were no claims (drainage warrants) outstanding against the upaid tax the subject could be easily disposed of.

827 Your committee would cheerfully recommend an ordinance remitting or declaring null the tax and directing the recorder of mortgages to cancel as drainage-tax inscriptions.

A great portion of the tax still recorded can, we are informed, easily be annulled on the application of parties in interest under the principles laid down by the supreme court of the State in two important decisions growing out of this legislation. It has been decided that the judgment for drainage tax in the fourth drainage district is null and void, but this is only to the form of the proceeding. The question of the liability of the property is still open. The more important principle was decided, in what is known as the Davidson case, that the drainage tax could not be collected on property without proof that the property was benefited by the drainage. On this the greater portion of the unpaid, if not the whole, might be cancelled but for the complications arising out of the outstanding warrants. There are over $600,000 such out; $600,000. More or less are held by or owned by Crossly & Sons, of London, who are trying by every possible and legal means to enforce payment. Two suits are pending against the city in the United States circuit court, brought by the Crossleys on a mandamus to compel the levy of a special tax to pay a judgment against the city for drainage tax. We are informed that the suit cannot possibly be lost to the city.

The other is on the drainage warrants themselves for about $600,000 and $100,000 damages against the city on the allegation that the city is impeding collection, to the detriment of the holders of the drainage warrants. We are also informed by high
828 legal authority that there is absolutely no danger of any judgment on the drainage warrants against the city, except as payable out of drainage tax.

But if the city by any act of her own would prevent the collection of the tax or annul it to the injury of warrant holders, it is clear that some liability might arise against the city; at the least to the extent to which the tax might otherwise have been collected. In such an event those who have paid drainage tax would suffer again with or for those who have not paid. All things considered, your committee is of the opinion that no action can or should be taken by the council in regard to this matter.

The city as a corporation is but a stakeholder, a trustee of the drainage tax for the benefit of the holders of drainage warrants. She is in no manner responsible for this condition of affairs; it is all brought about directly by the acts of the Legislature, and it is doubtful whether she has the power to do anything in the matter, nor would the trial of the Crossly cases and decisions favorable to the city change the situation. The decision would be to declare the warrants payable out of drainage tax.

This would leave open the possible liability of the city in case she by her own acts prevented the collection.

For these reasons your committee repeats that they are of the opinion that the whole subject should for the present be let to exhaust itself and work out its own solution; beside, the most and worst is done and beyond remedy. The great bulk of the tax is paid. Those who still owe it are now, after the subject has been fully agi-
829 tated and acted upon by the supreme court of the State on important points, *were* informed that they may escape the

tax by a resort to the courts, and there is no other way to avoid it even under the Davidson decision. The question of fact must be determined whether the particular land was benefited by the drainage. When the fact *was* shown that it was not the court will order the cancellation of the inscribed tax. No other power is competent to pass judgment and no one would be precluded by any action of the city council.

We therefore, after thorough and careful examination of this question, have been forced to these conclusions.

Respectfully submitted,

O. THOMAN, *Chairman.*
T. H. RYAN.
H. L. FRANTZ.
W. J. McGEEHAN.
WM. GRANER.

Received and laid over.

830 United States Circuit Court, Eastern District of Louisiana.

JAMES W. PEAKE
vs.
CITY OF NEW ORLEANS. } No. 11614.

Benjamin Rice Forman.
Frank N. Butler.
Samuel Birchfield.
E. H. Chadwick.
L. J. Fremaux.
E. C. Palmer.
John L. Newman.
A. P. Harrison.

Testimony for Complainant in Rebuttal.

831 United States Circuit Court, Eastern District of Louisiana.

JAMES W. PEAKE
vs.
THE CITY OF NEW ORLEANS. } No. 11614.

Testimony taken on behalf of the complainant in rebuttal before O. B. Sansum, examiner, this 15th of December, 1888.

Present: Richard De Gray, Esq., solicitor for the complainant; Carleton Hunt, H. H. Hall, and White & Saunders, Esqrs., solicitors for the defendant.

BENJAMIN RICE FORMAN, being sworn on behalf of the complainant, says:

By Mr. DE GRAY:

Q. State your full name, age, and occupation.

A. My name is Benjamin Rice Forman; my age is 46, and my occupation that of attorney-at-law.

Q. How long have you been engaged in the practice of the law?

A. Since the 4th of April, 1866.

Q. Practicing in the city of New Orleans?

A. Practicing continuously in the city of New Orleans.

Q. Were you ever the counsel of the succession of John Davidson?

A. In the mortuary proceedings, no, sir; in the other proceedings, yes, sir.

832 Q. Did you have charge of the suit that was brought by the succession of John Davidson or the executrix of his estate against the city of New Orleans to have annulled the drainage judgements rendered against the property of the Davidson estate?

A. Yes, sir; I did. I drew up the petition, managed the case, worked up and prepared the evidence.

Q. That is the case reported in the 34th Annual, is it not?

A. I think it is.

Q. There is the case reported in the 34th Annual, page 170. Is that it?

A. Yes, sir; that is the case.

Q. What was the financial condition of the estate of John Davidson at the time of the rendition of that decision?

A. I do not know.

Q. Do you know whether it was solvent or not at that time?

A. I do not think it was.

Q. You are now speaking of the date of the judgement in the Supreme Court?

A. Yes, sir; March, 1882.

Q. What was the date of the bringing of the suit in the lower court?

A. I do not recollect. It was some good while before, because it went off first before Judge Monroe on an exception of no cause of action. He dismissed the suit, and I took an appeal to the Supreme Court, and the supreme court reversed and remanded the

833 case. In the meantime the constitutional convention of 1879 was held and the suit was again brought before Judge Rightor. The constitution became a law in 1880. I can tell by reference when this suit was filed. It was immediately after the rendition of the judgement of the Supreme Court of the United States affirming the judgement of the supreme court of Louisiana homologating the tableau.

Q. That is the case reported in the 96th United States Reports?

A. Yes, sir.

Q. It was immediately after this?

A. It was immediately after the rendition of that decree that Mr. Lacey, representing the city, and the owners of these drainage warrants took a rule in the probate court to sell the property to pay the warrants. It was a matter of consultation between Mr. Roberts and myself, as the city had the defense of the original suit, whether to answer the rule or to bring a direct action. We did not agree upon

that. Mr. Roberts insisted upon defending the rule in the probate court to sell the property, and I insisted that we should bring an original suit, and my opinion prevailed, and we brought the suit. That is the case I refer to reported in the 96th United States Reports, at page 97, which appears to have been decided at the October term of 1877. When that decree—reported in the 96th United States Reports, page 97—was made Mr. Lacey took a rule on the succession of John Davidson in the probate court to sell the property,
834 and long before the rule came on for trial we commenced the suit in another court to annul the judgement on the grounds stated and reiterating the proceedings in the 34th Annual.

Q. What was the condition of the Davidson estate at the time you instituted that suit?

A. I cannot say.

Q. Was it solvent or insolvent?

A. My belief is it was solvent; but I cannot say.

Q. Was there any money in that estate, to your knowledge?

A. I do not think there was money, but there was property. I can tell you the amount of the inventory, and no property had been sold.

Q. What was the amount of the inventory?

A. $546,393. I have it here in my hand.

Q. And no property at that time had been sold?

A. I am sure none had been sold, but what debts had been contracted in the meantime I do not know. Now, I have here the first annual account of the executrix, in which she states that the succession owes no debts, except $1,000 to Race & Foster for obtaining a judgement in the supreme court.

Q. What assets does she give?

A. She gives no assets. This is the account of what was passing through her hands.

Q. Do you remember the amount of the tax that was imposed or claimed in this case?

835 A. No, sir.

Q. It was several thousand dollars?

A. Yes, sir; it was.

Cross-examination by Mr. HALL:

Q. You say you do not know whether or not Mr. Davidson at that time owed large debts?

A. At what time?

Q. In 1877, at the October term.

A. Mr. Davidson was dead. I do not know whether his estate had been brought into debt or not at that time.

Q. He was dead at that time?

A. He died in January, 1872, and his estate was under administration by his executrix.

Q. What was the character of his property mostly, productive or unproductive?

A. The city property, with the exception of the Alard place, was

good. The bulk of the tax was on the Alard place, which I do not think was productive, but the rest was productive, for the tax was $19,000 a year.

Q. What was the St. Bernard property?

A. For the 10 years of which I examined the books it came out about even; neither lost nor gained. I only know that from an examination of the books.

836 Q. This suit was brought by you for the purpose of annulling these drainage judgements, and you prosecuted that suit with energy in the supreme court and the Supreme Court of the United States?

A. Yes, sir; successfully.

Q. Therefore there was no occasion to inquire whether the Davidson estate was solvent or not, in so far as the tax was concerned?

A. Yes, sir.

Q. Because you had a judgement annulling the taxes?

A. Yes, sir; I resisted the judgement as far as I could. These drainage-warrant holders were parties to the suit, but I pursued the case to the Supreme Court of the United States and got a decree against it.

Q. What energy was displayed by Mr. Lacey in that case?

A. He used the utmost energy in the case; he was city attorney, and, as I understood, the rest of the parties were employed by the drainage-warrant holders; I know Mr. Butler brought in a sack of drainage warrants.

Q. In so far as your knowledge is concerned, everything was done to collect this drainage tax that was possible to be done?

A. Everything; because Mr. Lacey had a great deal of zeal and energy; he was a man of great ability, and Mr. Butler also, but he was a younger man, and they used the whole power of the city to make us pay. I know we were greatly alarmed.

837 By Mr. DE GRAY:

Q. Why did you resist this tax; what was the motive; was not the motive behind it because there was money there to pay it in case the judgement was not set aside?

A. The occasion of resisting was because the estate of Davidson was not benefited by anything done under the scheme, and they did not want to pay a large amount of money for nothing.

Q. You resisted it because you did not think you ought to pay it?

A. Yes, sir.

Q. You thought you had a just defense?

A. Yes, sir; so the court said.

Q. Then I think there must have been money in the Davidson estate to pay the judgment if it was not set aside?

A. Yes, sir; if they had succeeded in the original suit they could have collected the money.

By Mr. HALL:

Q. What is that Alard property that you speak of?

A. It is the property surrounding what is known as the old City park, down on the Bayou St. John.

Q. What has become of that property since?

A. It was sold at auction on a mortgage for between $5,000 and $6,000—very much less than the value; at about ⅛ of the value of it.

By Mr. DE GRAY:

Q. What was the condition of the Alard property at the
838 time it was sold—was it drained?

A. No, sir; it was never drained.

Q. Was it flooded?

A. Well, part of it was on the Metarie Ridge, which drains naturally, and a part of it was back in the swamp proper, which never had been drained.

Q. None of it had been benefited by the drainage?

A. I do not know of my own knowledge, but that is the proof in the case.

By Mr. HALL:

Q. Would not that apply to any property in town?

A. Yes, sir; according to my 20 years' observation.

FRANK N. BUTLER, sworn on behalf of the complainant, says:

By Mr. DE GRAY:

Q. State your name, age, and occupation.

A. My name is Frank N. Butler; age, 46 years old last August; I am an attorney-at-law, and have been since 1867. I was admitted to the bar then, but did not commence to practice before the courts of the State at that time.

Q. Did you bring any suits for the revival of the drainage judgements in any of the drainage districts?

A. As the attorney for John Crossly & Sons, Limited, of Hali-
fax, England, who were then the holders—part as owners
839 and part as pledgees—of upwards of $400,000 in drainage warrants, face value, I was instructed to take such steps, in conjunction with my partner, Mr. Lacey, as were necessary, in the interest of these parties, to keep alive the judgements which had been rendered in the several drainage districts for the drainage tax. Under that instruction several suits were instituted in all save in the first drainage district by the city of New Orleans in conjunction with John Crossley & Sons, Limited.

Q. Did the city of New Orleans bring any suit to revive the drainage judgements in the first drainage district?

A. No, sir.

Q. State what you did, if anything, towards having the drainage judgements revived there.

A. Believing it was the duty of the city of New Orleans to take these steps, out of abundance of caution, though doubting the absolute legal necessity of any suit to revive the drainage-tax judge-

ments, my theory being that the tax judgement and the tax was unprescriptible, I applied to the city of New Orleans, within the period of 10 years from the rendition of the judgement homologating the assessment-rolls of the first drainage district, to take proceedings for the revival of that judgement. Mr. Buck was the then city attorney, and I made my application to him on behalf of the Crossleys, who were the owners and holders of these drainage warrants; and I think I presented to him a petition, prepared for that purpose, in the name of the city. I am not quite
840 sure, as the time is considerable since the event, whether I presented such a petition or not, but at all events I am positive I did apply to him, as city attorney, to take proceedings in the name of the city for the revival of the judgements in the first drainage district. He took time to consider and I called upon him several days afterwards to know what conclusion he arrived at in that connection. His answer was that he did not think it was the duty of the city to take such proceedings; that in his judgement the supreme court of the State, on the decision made in the Davidson succession, had decided that such a tax was not collectible, and therefore he did not think it proper to proceed to keep life in the judgement for the drainage tax in that district. I urged him to take these proceedings, telling him at the time that it would entail a large expense on the part of my clients and had already, but he said that he had made up his mind after due consideration. I went out believing it was his duty, but he refused to do anything in the first drainage district.

Q. Then what did you do?

A. Then I took the proceedings which are pending now for the revival of the judgement in the first drainage district.

Q. Please look at that and state if that is a copy of your proceedings.

A. When I say "I," using the personal pronoun, I mean Miller & Finney and Blanc & Butler, attorneys. Yes, sir; that is
841 a copy of the petition and order which were prepared by us and filed for the revival of the judgements in the first drainage district.

Mr. De Gray, for the complainant, offers in evidence the petition, marked O. B. S., ex., Dec. 15, 1888.

Q. Then in the other drainage districts. Looking over the documents in the court, I find that the petition to revive in each of the other districts is in your handwriting, but signed by the city attorney. Did you assist, as the attorney for the Crossleys, you and your associates, in the bringing of the other suits for the revival of the judgements?

A. We did.

Q. Who paid the cost, if any, or expended money in the proceeding to revive the judgements in the four drainage districts?

A. I had occasion to investigate that matter at one time several years ago, and my recollection is that, with the exception of about $500, all the expense in all the districts from the time we first com-

menced to represent the Crossleys for the purpose of reviving any of these judgements was borne exclusively by the Crossleys to the extent of several thousand dollars in these proceedings.

Q. How many thousands?

A. My recollection is that it was upwards of $4,000, but I am not positive about the amount. I know it was several thousand dollars.

Q. Now, can you tell us when Mr. George S. Lacey, your former partner, was city attorney of the city of New Orleans?

842 A. He was called to that office, I think, in the spring of 1870, and my recollection is that he resigned it to give place to Mr. Jonas in 1875, when Mr. Jonas was city attorney, a very short time after the administration, headed by Mayor J. Leeds, came into office.

Cross-examination by Mr. HALL:

Q. Do you still represent the Crossleys?

A. Yes, sir.

Q. You still have a large amount of these warrants?

A. Yes, sir; they still have title and possession of about the amount of $435,000 of these warrants.

Q. You are taking part in these different proceedings to enforce the collection of this drainage tax?

A. Well, my action in the matter, I must now say, is passive under their instructions. I do not know that anybody else is representing them except myself, Mr. Miller having resigned on account of his connection with the board of liquidation.

Q. This petition that you have referred to and was offered in evidence was a suit to revive the judgements in the first drainage district?

A. Yes, sir.

Q. It did not seek nor did you ask Mr. Buck to collect any of these drainage taxes?

A. Not in that petition, but as the representative of the Crossleys we were urging the city at all times to take all the steps

843 it could to collect the tax; we felt we had that right in view of the decision of the supreme court of this State rendered in 1876, which, I think, ordered the city to take such steps as were necessary for that purpose. I mean the mandamus suit of 1875.

Q. Then the city of New Orleans, through its officials, responded to these requests of yours to do everything it could?

A. The city of New Orleans was then represented by, I think, Mr. Blanc, and Mr. Jonas and they done everything in their power to defeat the collection of the tax, and after they were mandamused and compelled to go forward for awhile they did take some steps to enforce the collection of the tax; they threw no obstacles in the way of the attorneys of John Crossley & Sons, Limited, and doing what they could to enforce the collection of the tax, except, in my judgement, in the matter of the revival of the judgements in the first drainage district; but as to saying that the city of New Orleans very heartily or actively endeavored at any time since the rendition

of the judgement in the Davidson case to enforce the collection of the drainage tax, I cannot conscientiously say so.

Q. What was done in connection with the Crossleys—did they not do whatever could be done?

A. I fear not. I think they done what they thought they could do.

Q. Mr. De Gray states that he examined the proceeding for the revival of the judgements in the other drainage districts, and that the petitions were in your handwriting. Who was the city
844 attorney at that time?

A. My impression is that it was either Mr. Jonas or Mr. McCaleb.

Q. Was not Mr. Lacey the city attorney at that time?

A. No, sir; I think not. The dates will show.

Q. Why did you draft these petitions; was it because of your greater familiarity with the subject?

A. Well, I drafted the petitions because I thought that as creditors the Crossleys had a larger interest in the matter than almost anybody else, and they employed us to attend to this work. I thought it was in the line of my duty to do that, and I thought it my duty to help every official of the city to enforce the collection of the tax and preserve whatever rights the drainage-warrant holders had. I was considered familar with the subject on account of my work, and I had the permission of the city attorney at that time to make such a draft, and they adopted it.

Q. You say that you expended for the Crossleys some several thousands of dollars—$2,000 or $3,000. You are positive?

A. I am quite certain as much as that. I would not like to speak definitely without the books, but if necessary I can go over the books and find out.

Q. What was that money expended for?

A. The larger items of costs were for copies of the petitions which had to be made and the service of these petitions which had to be made on the several hundred delinquents in the various
845 districts. That service, as far as could be, was practically accomplished. The idea was to serve a copy of the petition and citation on every delinquent who owed a considerable amount of taxes. It was to impose personal service on the delinquents in addition to the service by publication, which was also resorted to and caused additional expense. There was in each application a fee taxed for the curator *ad hoc* in each drainage district appointed to represent the absent defendants; and, while I do not recollect exactly the amount that was paid, I am quite certain that at least $1,500 was paid out of the pockets of the Crossleys in that litigation.

Q. Who were the attorneys for the absent ones?

A. There were several of them. Judge Kelly was one; Meyer Guthem was another, and Mr. Besancon was another.

Q. Then I understand these costs were expended by you solely for the purpose of reviving these judgements?

A. Yes, sir; the costs that I refer to were paid, and they incurred

and paid out other costs in connection with this drainage litigation for the purpose of enforcing the collection of the tax in other suits than the revival of the judgements.

Q. Let us first confine ourselves to this: I understand that the $2,000 or $3,000 which you testified were costs incurred by them to revive the judgement simply?

A. These items of costs that I have reference to were not spoken of at first.

846 Q. You say that, in your opinion, these suits for revival were not necessary for the purpose of interrupting prescription?

A. It was, in my opinion, then.

Q. Is it your opinion still?

A. It is my opinion still. I think there was no expression of the supreme court with reference to the collection of the drainage tax.

Q. Then these costs were incurred for the purpose of bringing suits to revive judgements, as you thought, unprescriptible; you simply incurred these costs as a matter of greater precaution?

A. I thought of the ambiguity that existed at that time—that it would be the height of folly to have failed to incur these expenses.

Q. Did you ever exchange views with the city attorneys as to whether these judgements were unprescriptible?

A. I may have done so, but I do not know.

Q. They probably had your opinion, inasmuch as they sustained your opinion?

A. I think in the third drainage district you will find spread on the record a declaration which —. In the opinion of the plaintiffs such proceedings were not necessary, but out of abundance of caution the same were taken.

Q. What other costs besides those that you refer to did you incur for the Crossleys; how much in amount?

A. If you will permit me I would much rather give you a statement of these costs directly from the books, because it is so

847 long ago and they are so many it is absolutely impossible for me to state with certainty.

It is understood that Mr. Butler prefers to bring a detailed statement of the expenditure of costs he may have made for account of the Crossleys, and that he will furnish such statement to the examiner to be marked O. B. S., ex., Dec. 18, 1888.

Q. Who were the $5,000 paid to that you excepted from the amount paid by the Crossleys?

—. My impression is that they were paid to Mr. Besancon on account of the fee taxed for him.

Q. Who paid that?

A. The city of New Orleans. It may be more. My recollection is that a fee of $1,500 was taxed by Judge Pardee in favor of Mr. Besancon and that the city paid him $500.

Q. How long have you held these warrants for the Crossleys—since what year?

A. They came into our possession, I think, in 1880.

Q. Have you ever received anything on account of them since?

A. No, sir. I received a dividend from the Louisiana Savings Bank on account of the balance of a judgement rendered, left over after these warrants pledged to them had been sold, and bought under their pledge. I received in that dividend the balance of a judgement, but really no payment on account of the warrants.

Q. You received no part of the collections of the drainage tax at all?

848 A. Not for their account; if for any account, it is such an insignificant amount that I cannot remember.

Q. Do you hold warrants for anybody else besides the Crossleys?

A. I hold a warrant for $5,000 as Lacey & Butler's fee.

Q. Given by whom?

A. It was given at the time that that mandamus suit in 1875 was decided for the services rendered in that suit.

Q. For whom?

A. For services rendered to the relator in the suit.

Q. Who was it that gave you that fee or warrant?

A. The relators, whoever they were; Van Norden, or whoever then brought the suit against the city.

Q. Were you and Mr. Lacey the attorneys for Van Norden when he was here—of the Mississippi and Mexican Gulf Ship Canal Co. at any time?

A. Yes, sir; I think after Mr. Lacey ceased to be the city attorney he became the attorney of Van Norden for a short time; up to that time Mr. Rice had been his attorney.

By Mr. SAUNDERS:

Q. Had you anything to do with the collection of the drainage tax between 1875 and 1880?

A. Not that I recollect. With the collection of the drainage tax?

Q. Yes, sir.

A. Now, let me see. Mr. Lacey, while he was city attorney, had a contract, with the consent of the city, with Messrs. Roselius &

849 Phillips by which he was — receive ½ of their commissions for the collection of the drainage tax for that portion of the first drainage district which lies between the two canals. That was brought about by a disagreement between Roselius and Philips, who were the attorneys of the first drainage district commissioners, and the city attorney as to whether or not that tax was collectable at all, my recollection being that the attorney——

Q. The facts which you are testifying to long antedate that which I call your attention to, which is from 1875 to 1880.

A. Mr. Lacey was entitled to the commissions for collection of this money as city attorney and under this agreement with Messrs. Roselius and Philips, which was continued afterwards. I do not believe it ceased up to the date of Mr. Lacey's death.

Q. When did Mr. Lacey die?

A. He died in August, 1882.

Q. Then from 1875 to 1880 you were in some way connected with the collection of the drainage tax?

A. Yes, sir; I had no direct connection with it, but Mr. Lacey was connected with it along with Roselius & Philips under their contract, and he was also charged with the collection of the tax as city attorney. After that he claimed the right to collect it and to be the attorney of the fourth drainage district up to the time the supreme court decided it was not a legal district.

Q. That decision was in 1831?

A. Yes, sir.

850 Q. Now, what steps did Mr. Lacey take towards collecting the drainage tax in the assessment district where he was charged with the collection of the tax?

A. He could not do anything under the contract of 1876 except by the instruction of the city of New Orleans, because of the exclusive control that was taken over the matter by the city under that contract, and he did whatever he could do with the city's permission, in so far as I remember.

Q. Do you know what permission he asked from the city?

A. I cannot remember in words; I cannot remember any particular communication, but I think the letter books will show repeated applications from him to the city officials to progress with the work.

Q. You mean with the collections?

A. Yes, sir.

Q. What did he want the city to do?

A. He wanted *fi. fas.* to issue, and he wanted the properties to be advertised and sold under such writs. He wanted everything done that could be done by the city in the way of permitting the advertising and collection of the tax, which, of course, could not be done, except at considerable cost and expense, which, I think, the city was unwilling to incur.

Q. Why was the city unwilling to incur these costs and expenses?

A. I do not know, except that they gave as a reason that they had no money to expend in that way; that the land was flooded.

Q. Is it not true that this land on which the *fi. fas.* were

851 issued were not worth the taxes?

A. I do not — anything about the real value. I think the land ceased to be valuable, and was less valuable from day to day, by the continued abandonment of the work by the city of New Orleans.

Q. Can you testify positively that this land had ever had any greater value than the land has now?

A. I do not know anything about the value of the land, but I have heard this morning from the witnesses on the stand what I know was much less than the value of the Alard Place, than it was estimated to be worth some years ago.

Q. Was not Mr. Guthrie in charge of the collection of the drainage tax from 1876 up to date?

A. I do not know. I know that so far as my clients are concerned

that they have not been consulted in connection with the matter, nor have I heard of his doing anything to advance the collection of the tax.

Q. From whom did your clients, the Crossleys, acquire the warrants that they hold?

A. They acquired $214,208 of warrants directly from the Louisiana Savings Bank and Safe Deposit Co. in the spring of 1879. They were induced——

The defendants here state that the answer is complete as far as it goes, and they are satisfied.

WITNESS: They were induced to lend the bank from the fact that I recovered a judgment. I was not present when they handed them the money, but I saw the checks and bills of exchange. I
852 will not use the word "induced." They loaned the Louisiana Saving Bank in the spring of 1869, under an agreement in writing, which I have seen and which I know, from my knowledge of the signatures of the parties to it, to be genuine, $100,000 in cash, and gave a letter of credit to the bank, coupled with certain conditions, obliging themselves on the happening of such conditions to lend the bank $100,000 more. At the time——

The defendants object — as hearsay and not being called for by any question put.

WITNESS: At that time the bank turned over to the Messrs. Crossley as security for this loan $214,208 in drainage warrants and agreed to give them in pledge the balance of the warrants to which the bank then had any claim as soon as they would be redeemed from the other pledges which prevented them at that time from turning them over to them then. Subsequently the Crossleys loaned under this letter of credit to the bank $25,000 more. They received $120,000 additional about that time from Mr. E. C. Palmer, which were a part of the warrants that the bank then claimed, and Mr. Palmer was then president of the bank. They redeemed themselves from pledge or acquired the rights of the Fourth National Bank of New York to $50,000 of these warrants, and that is the way they came into the possession of these $400,000 of warrants.

All of this last testimony of the witness is objected — by the counsel for the defendant on the ground that it was not called for by the question, is not responsive, and was given against their ob-
853 jection, and, further, that the testimony is hearsay.

Q. You say you do not know what steps Mr. Guthrie took for the collection of the drainage tax?

A. I do not. I do not know that he took any.

Q. Did you ever put yourself in communication with Mr. Guthrie?

A. No, sir; not that I recollect.

Q. Did you ever make any inquiries to know what he was doing with regard to the collection of the drainage tax?

A. No, sir.

Q. You knew he was charged with the collection of the drainage tax?

A. I knew that under my interpretation of the contract of the 7th of June, 1876, the city of New Orleans was primarily and exclusively charged with the direction of what should be done.

Q. Do you not know that the city of New Orleans was acting through Mr. Guthrie in the collection of this drainage tax?

A. I know that Mr. Guthrie was called in the act the drainage tax collector, but I am also strongly convinced by my recollection of the tone of that act that Guthrie's hands were tied by whatever instructions were given him in that connection by the city council. It is so long since I read it that I cannot say positively.

Q. Did you ever apply to Mr. Guthrie to expedite the collection of this drainage tax?

A. If I did I cannot recollect it. I cannot remember whether I did or not.

854 By Mr. DE GRAY:

Q. When you speak of the agreement between Mr. Lacey and Roselius & Phillips, you mean the agreement which pertained exclusively to the commissions which were due under the law to counsel for collecting the taxes?

A. Yes, sir; it was an agreement, my recollection of it is. I do not remember ever having seen the agreement, but my understanding of it was and is just this, as I stated before, that Mr. Lacey's opinion, after an examination of the matter, was that it was competent to levy what was then known as the tax on the first drainage district—on the land between these two canals. Mr. Roselius thought the levy was illegal, and, as Messrs. Roselius & Philips were the attorneys of the first drainage commissioners, they hesitated about the liability of the property only in that district to pay. It was thought well to have Mr. Lacey's opinion, which was contrary, and to have him go ahead and try to collect the tax, and to compensate him for that matter they agreed with him to divide their commissions.

Q. He procured the judgment in that district; that was while he was city attorney?

A. Yes, sir.

Q. Did he procure the judgment while he was city attorney in the fourth drainage district?

A. Yes, sir.

Q. And also in the third?

855 A. I think the service rendered in the third drainage district was rendered by Mr. Waples, who was the assistant.

Q. In the first drainage district the work of procuring the judgement had been by Roselius & Philips, if I recollect the papers right?

A. I think so—that is, procuring the judgment.

Q. But did either you or Mr. Lacey have any charge or direction of the minutes and details for the collection of the drainage tax through the city hall?

A. Not after Mr. Lacey ceased to be city attorney.

Q. Which was in 1875?

A. That is my recollection of the date.

Q. It was prior to your bringing the mandamus suit, in 1875, to compel the city? That suit was brought by Lacey & Butler in 1875 to issue *fi. fas.* to collect the tax?

A. Yes, sir.

Q. He ceased to be city attorney before that?

A. Yes, sir; the record will show.

By Mr. HALL:

Q. What year was it, did you say, the Grossleys acquired these warrants?

A. They acquired them in 1879, but they came into our hands after that in 1880, as I recollect.

856 SAMUEL BIRCHFIELD, sworn on behalf of the complainant, says:

By Mr. DE GRAY:

Q. Give your name, age, residence, and occupation.

A. My name is Samuel Birchfield; my residence, 396 Bienville Str.; my age is 64 years, and my business is that of engineer.

Q. How long have you lived in New Orleans?

A. I have been here since 1853 permanently.

Q. Have you had any connection with the drainage?

A. I have been engineer on the drainage machines since 1864. I was employed there ever since until May, 1888.

Q. Are you familiar with the land that is being drained by the drainage machines with which you have been connected?

A. Since 1868 I have been on the Bienville draining machine in this section.

Q. Are you familiar with the drainage canals, protection, and revetment levees that were built by the Mississippi and Mexican Gulf Ship Canal Co. and by Mr. Van Norden?

A. There was a Doctor Noyes connected with it. Yes, sir; they had the drainage boats working at the canals while I was there.

Q. You have been over all the canals made?

A. No, sir; only in this section—the first drainage district.

Q. What is the condition of these canals now?

A. They are in a terrible condition at the present time.

Q. In what respect?

A. They are filled up with mud.

857 Q. Largely or to a small extent?

A. Well, they are filled up to a very large extent.

Q. What effect does that have upon the drainage?

A. It tells greatly. There is no reservoir for the heavy rains. The water cannot reach the draining machine as it ought to.

Q. Do you remember when the city or the company that was digging the canals and building the protection levees ceased working?

A. I remember the time, but I cannot state it positively.

Q. In 1875?

A. Yes, sir.

Q. Has there been anything done in the way of digging the canals or building the levees since 1876?

A. Nothing more than repairing the levees, I believe.

Q. Has there ever been any protection levee built on the lake front from the west end to the lower protection levee?

A. No, sir.

Q. There has never been any protection levee built?

A. No, sir; none whatever.

Q. There being no protection levee on the lake-shore front, how is the land protected in the rear of the city, if it is protected at all, from the storms and water from the lake?

A. Well, the Metarie ridge forms a levee. I do not think the water ever comes over that ridge. The overflows that we have had from the lake were caused from the navigation canals more than anything else.

858 Q. The water comes into the navigation canals and overflows that way?

A. Yes, sir; the levees are imperfect.

Q. Are you familiar with the plan of drainage that was carried on and adopted by the city under Mr. Bell as engineer?

A. No, sir; I cannot say that I am. I think his plan was a good one if it was carried out.

Q. You knew what his plan was?

A. Yes, sir; a protection levee along the lake-shore front.

Q. If that protection levee had been built along the lake-shore front and the locks put in as they were laid down on the map and the plan, the navigation canals also protected by locks, and pumping stations had been erected on the levee lake front to throw the water out, what effect would it have, in your judgement, upon the draining of the land?

A. I do not know, but I think the land would have been worth 4 or 5 times as much as it is now.

Q. What effect would it have?

A. It would have a good effect.

Q. Would it have drained the land?

A. Yes, sir; it would if they had draining machines enough to take the water off.

Q. When land is drained, the water thrown off from it, and it cultivated does the land of itself rise?

A. I think so.

859 Q. Do you know how much?

A. No, sir.

Q. You know the fact that it does rise?

A. Yes, sir. I have a piece of land at the draining machine myself and it looks to me to have risen.

Q. It rises by cultivation?

A. Yes, sir.

Q. Are you the owner of any land beyond Claiborne street?

A. Yes, sir; I have three pieces beyond Claiborne street.

Q. Where are they situated?

A. One at the corner of Galvez and Canal streets, one on Bienville street between Johnson and Galvez streets, and I have got a piece out fronting on St. Louis between Clarke street and——

Q. Has land increased or decreased in value out there?

A. It has decreased in value ½ in 10 or 12 years on account of the overflow.

Q. Is the drainage system in its present condition able to drain the land or not?

A. No, sir; it is not able to drain the land. The machines are 100 years behind the age. In all the machines they have got in the city there is no improved one. The machine that they have there was built in 1835. That is the Bienville machine.

A. All these canals then being full, do they or not form any reservoir for the water during rain?

A. Very little reservoirs. The Galvez and Broad street
860 canals are within 12 inches of being full and even with the surface of the land.

Q. If the drainage system was completed in its entirety and protection levees built upon the lake could all these lands be rendered dry and valuable, if the system was complete and the proper machines put in?

A. Yes, sir; the land would have been more valuable than it is now. It is worth nothing now.

Q. I mean the system complete, according to the plan?

A. Yes, sir; I understand you.

Cross-examination by Mr. HALL:

Q. You spoke of the depreciation of the lands within the last 10 years. What was that occasioned by?

A. By the overflow from the lake.

Q. Did you not have overflows before that?

A. Yes, sir; we had overflows in 1871 and 1872 by the breaking of the levees.

Q. Has not the land back there always been liable to overflow?

A. No, sir; not if the levees did not break, unless we have extraordinary heavy rains and the machines get out of order.

Q. What levee do you speak of?

A. The levee between the two canals, the Old Basin and the New Basin.

Q. How much protection levee did they ever build?

A. They only built from the West End to the Upper Line canal.

861 Q. Now, when you say that these canals are filled what canals do you refer to?

A. This district, the Galvez street canal and the Broad street canal; in fact, all the canals in the city have been filled with filth, as they have not been cleaned out for a number of years.

Q. You do not mean the large reservoir canals or the draining canals?

A. I mean the Galvez street, the Broad street, the Poydras street, and the Hagan avenue canals. One draining machine takes the water out, and yet you can see the mud at the bottom. That canal was formerly dredged out 17 feet, and the Orleans canal was dredged out from Bayou St. John.

By Mr. DE GRAY:

Q. How deep is the Hagan avenue canal now?
A. I do not think it is over 4½ or 5 feet below the surface of the land.
Q. When it was originally dredged it was 17 feet?
A. Yes, sir; 17 feet.

By Mr. HALL:

Q. When was that canal built originally?
A. Well, it must have been about 1872 or 1873.

862 E. H. CHADWICK, sworn on behalf of the complainant, says:

By Mr. DE GRAY:

Q. Where do you live?
A. At the corner of Canal and Broad streets.
Q. What is your business?
A. I am a real-estate agent.
Q. What is your age?
A. I am about 50 years old.
Q. How long have you been living in New Orleans?
A. About 41 years.
Q. Are you familiar with the drainage system as laid down in the act No. 30 of 1871, under which the plan was adopted by the city of New Orleans at the time Mr. Bell was city surveyor?
A. No, sir; I never saw it. I had frequent conversations with Mr. Bell about the plan that was being carried out. At that time I was very busy with other things, and I did not have a chance to see the work.
Q. You are familiar with the design of the drainage of New Orleans, with a protection levee about the city, with a revetment levee on the lake-shore front, with a protection levee below, and the various canals?
A. Yes, sir; we talked about them.
Q. Are you an owner of land within this territory?
A. Yes, sir.
Q. Where is it situated?

863 A. There are so many pieces I cannot tell them all, I own some on Toulouse street. I own one or two pieces on Canal street. I own some on Conti street, and some squares in the back part of the city down in between these two basins.

Q. This upper protection levee was built, I believe?
A. Yes, sir; I have seen it, and talked to Mr. Bell about it.
Q. You know its location?
A. Yes, sir.

Q. Does that levee in any way protect the city of New Orleans from overflow?

A. Yes, sir.

Q. How?

A. If there should be a break in the levee above there it would protect the city and give the people time to—the embankment has been cut now and is low—but it would give the people time enough to build it up and prevent it from overflow.

Q. How has it been cut?

A. Cut by the inhabitants, by the teams going over it.

Q. When it was originally made was there any cut in it?

A. I cannot say, but, if it was, it was so small that it could be made good.

Q. Had you been in the city when the overflow was?

A. Yes, sir; at the time of Sauve's crevasse it came up as far as Christ church, which was at the corner of Canal and Dauphin streets. I have been told that it came as far as the St. Charles Hotel, but I did not see it.

Q. That upper protection levee would be a protection
864 against any overflow of that description?

A. Yes, sir.

Q. It would divert the water off into the lake and then it would go over through the rigollettes?

A. Yes, sir; of course, if it was large enough. It might raise the lake but a very few inches. The Bonnet Carre crevasse only raised it a few inches.

Q. Do you know the protection levee that is built below the city of New Orleans on the People's-avenue canal?

A. I have not; I have never seen it.

Q. Do you know whether there is one there or not?

A. No, sir.

Q. Have you ever been out on the Louisville & Nashville railroad where it crosses the Northeastern road?

A. I have been on that road, but not to notice it.

Q. Do you know that they have the Northeastern road on the bank of the canal?

A. No, sir.

Q. With the completion of the revetment levee on the lake from West End down to the protection levee below the city of New Orleans and with proper drainage machines upon the lake shore and the canals cleaned out, would or would not the territory embraced within the canals and the protection levee be drained?

A. Most decidedly.

Q. What effect would the drainage of this territory have
865 upon the value of the land?

A. It would appreciate the land, because the land would be useful for cultivation, so that if there was not a dollar added to the present market value of the land it would be a valuable asset, whereas now it is an incumbrance.

Q. What is the occasion of this incumbrance?

A. The lack of drainage. I am speaking now of the lands be-

yond the Metarie Ridge and between it and the lake; then the land this side of the ridge, between Claiborne street and the ridge—very square of it has been cultivated at some time and had to be abandoned because it was overflowed. It is just dry long enough to tempt an industrious man to open a garden, and then the overflow comes and wipes him out.

Q. What is the occasion of the overflow coming?

A. The breaking of the banks of the canals. The greatest overflow that we had yet was in 1871. That was caused by somebody selling too much dirt off the land of the new canal and Hagan avenue. That alone cost the city $100,000. I paid it over the counter myself and saw every dollar of it.

Q. Has this land between the ridge and Claiborne street appreciated or depreciated in value within the last 10 years?

A. It has depreciated very much.

Q. Can you assign any cause for the depreciation?

A. Well, I presume because it is hopeless to think of getting any drainage done. Before that we were buoyed up with the hope that we would get it drained some time.

866 Q. Had you any connection with any applications to the city for the drainage of any of the territory in the rear of the city?

A. We have petitioned the city to have the repairs made to the draining machines, and to have new machines put there that would have made us dry.

Q. With what result?

A. We were ignored because the city had no money.

Q. That is, if a drainage machine was put there it would have kept you dry?

A. The petition to the council reviewed the whole subject within three months. It showed that with the machinery we proposed to put at Galvez and Toulouse streets it would have thrown out all the water that would have fallen between Julia and Elysian Fields streets, Gentilly road, and the Metarie Ridge. The largest rain ever known was 7 inches in 3 hours, and we calculated that if we got 60 per cent. of the power of the machinery we could throw it out in 6 hours. It was the machinery of the steamboat Ed. Richardson, the whole costing the insignificant sum of $85,000, but the city did not have the money to do it.

Q. How many overflows have there been there within the last 10 years?

A. I can hardly tell you. We have had about 6 within the last year—that is, I mean you could not cross from one side of the street to the other where the levee is lowest and subject to overflow. It is because it is lowest and liable to overflow that it flows off quicker.

867 Q. What is the condition of the drainage canal at the present time?

A. Well, the Galvez street, the Broad street, the Poydras street canals, and Hagan avenue are pretty well filled with dirt; you would call it mud, but it is slime that accumulates from the street

drainage. It is heavy enough to block up the canals, but not solid soil. The old Toulouse canal has been cleaned out, and they put the mud on the bank of the old basin.

Q. When they are filled up does it destroy their capacity to act as reservoirs in cases of overflows?

A. Yes, sir.

Q. What effect does that have upon the surrounding country?

A. Well, there being no place for the water to go, as it comes down from the city to us — banks it, and it is spread out over the land. The land has been wet so long that it has been in the condition that Bienville found it; it is covered with water; there is no space for absorption.

Q. Since June, 1876, what canals, if any, have been dug or deepened or levees built, if any?

A. I cannot call to mind any, except the enlargement and partial cleaning out of the Toulouse canal.

Q. What canals have been dug or protection levees built?

A. I do not know of any, of my own knowledge.

Q. You have spoken of this machine which you and your committee proposed. What effect would the location of that ma-

868 chinery and the running of that machinery, in the way that you have suggested, have upon the value of the lands that were drained in the way of prices, if it were drained?

Mr. Saunders objects to all this testimony on the ground that it is irrelevant and not connected with the case.

A. It would appreciate the value.

Q. To what extent?

A. That is hard to say, to what extent; I think it would double the value of the vacant land—those that are large enough for garden purposes. I think any square that was free from overflow would bring $100 — year, which would be 10 per cent. on $1,000.

Q. Then the value, if the land was properly drained, so that it could be occupied and used, cultivated, or whatever it may be, in your judgement, would be worth $1,000 a square?

A. Yes, sir.

Q. Now, if the land on the lake side of the Metarie Ridge was properly drained dry and susceptible of cultivation, what, in your judgement, would that land be worth?

A. It would be pretty near as valuable as land used for garden purposes; it would be worth that for the hay that would come off it.

Q. How many acres are there in a square?

A. About 2½ acres.

Q. Well, if that land was protected and drained it would be worth then, in your judgement, as you have stated, about

869 $1,000 a square, say $400 an acre?

A. Yes, sir; of course, you have to take into consideration the nearer they are to town the more they would be worth. As you go further towards the shore they would be worth a little less, although they would produce the same kind of stuff.

Q. They would be further from the market?
A. Yes, sir.
Q. Would you estimate the squares between the ridge and the lake, if they were drained and protected, at $200 an acre, more or less?
A. I think they would pay a good revenue at $200 an acre.
Q. Are you familiar with all of the land in the rear of the city?
A. Yes, sir. I have been out there a great deal.

Adjourned to Monday, December 17th, 1888, at 3 o'clock p. m.

870 NEW ORLEANS, LA., *December 17th*, 1888.

JAMES W. PEAKE
vs.
THE CITY OF NEW ORLEANS. } No. 10614.

Testimony continued on behalf of the complainant in rebuttal before O. B. Sansum, examiner, on the above date.

Present: R. De Gray, Esq., solicitor for the complainant; Harry H. Hall, White & Saunders, and Carleton Hunt, Esqrs., solicitors for the defendant.

Mr. L. J. FREMAUX, sworn on behalf of the complainant, says:

By Mr. DE GRAY:

Q. Your residence is New Orleans?
A. Yes, sir.
Q. What is your age?
A. 68 years.
Q. And your business?
A. A civil engineer.
Q. How long have you been a civil engineer?
A. About 20, 30, or 35 years. I was never anything else.
Q. Have you ever been connected with the city of New Orleans as one of the civil engineers or surveyors?
A. Yes, sir.
Q. When?
871 A. Under Mr. Bell; before that under Mr. Sourgie and D'Hemecourt. Now I am with Major Harrod, the present city surveyor.
Q. You say you were under Mr. Bell. When was Mr. Bell the city surveyor?
A. From 1870 to 1874.
Q. Did you or his department have any connection with the work which was performed by the Mississippi and Mexican Gulf Ship Canal Co. and Van Norden, as transferee thereof?
A. I do not recollect the name of the company and on what work they were engaged.
Q. I am directing your attention to Mr. Bell's plan in reference to the drainage of the city of New Orleans. Were you connected with the work on the lake shore?

A. I was connected with the *that* work on the lake shore.

Q. Do you know the plan in its details?

A. Yes, sir.

Q. Was it devised and extended into details while you were in the office?

A. Yes, sir.

Q. Please look at the map marked complainant's map No. 2, O. B. S., ex., April 5th, 1888, and state whether you ever saw it before.

A. Yes, sir; I have seen it often; I have many copies in my possession.

Q. This purports to be the revetment levee on the lake-shore front?

A. Yes, sir; as it was contemplated.

872 Q. As it was contemplated?

A. Yes, sir.

Q. Who made this drawing or map?

A. Every member of the staff had a hand in it. I made a survey of the western part, between the New Orleans canal and the upper protection levee. I staked out the whole levee to the lower line, but only the upper portion of the levee was built and finished—that is, between the upper protection levee and the West End. The staking of this levee was only at far points. There was one point here and one point there.

(The rest of this page is blank.)

873 I staked out the whole levee for a long distance—for instance, from the New canal to the Bayou St. John. I put an iron post at the Bayou St. John, connected at the Pontchartrain railroad, and then drew a curve to the People's avenue; but the only work completed was the West End embankment.

Q. The profile of the work as contemplated is to be found in this map also where is exhibited a cross-section?

A. Yes, sir.

Q. The work, as I understand, had a protection levee and a canal on the upper line extending from the river to Carrollton, to the lake shore?

A. Yes, sir.

Q. Was that canal and the protection levee in front of Carrollton to the lake shore completed?

A. Yes, sir; we always travelled on that one coming that way.

Q. What was done on the lower protection levee and canal—how far was that completed?

A. Only in a very rough levee, the embankments thrown up; that is all.

Q. How far did the work extend?

A. I recollect about—it started from the lake and went to Lafayette avenue, about 1,000 feet around.

Witness, being shown complainant's map 1, marked O. B. S., ex., April 5th, 1888, and having his attention called to the lower

874 line protection levee, says: That is a good representative of the work as done and not completed; it was rough and not completed.

Q. That is or was the condition of the work and the condition of the levees on the lake-shore front at the time of the transfer of the work to the city of New Orleans; or do you know about that?

A. No, sir; I do not.

Q. There were various internal canals that were to lead to the canal which was to be built behind the protection levee?

A. Yes, sir.

Q. I notice on this other map, No. 2, various designs for the machinery and pumping stations.

A. Yes, sir; that was the completement of the system of drainage of Mr. Bell, having locks on these canals, and all the draining machinery outside in the lake altogether.

Q. The water was to be thrown out?

A. Yes, sir.

Q. How were these canals to be constructed that led from the interior city down to the lake? Were they to be constructed on a level or were they to descend?

A. Well, I do not know; I was not long enough on that part of the work. I had nothing to do with that; we had 6 bodies with surveyors at that time, and each one had his part to do.

Q. Did you ever make any plan or direction on this pumping machinery?

A. No, sir; but they were made at the office, and that is one of them; the pumping machinery I did make, that is — the office now.

875 Q. Now, I ask your judgment as an engineer, and your familiarity with this work, if the system had been completed as it was designed, and the pumping engines put in as they were all designed, what effect would this system of drainage have had upon the lands embraced within the territory that was to be drained?

A. It would certainly have drained them, because, you see, there was an enormous pumping station there, and a great deal of basins formed by these different canals, and then the locks to prevent overflow from the lake. It would have certainly cost an immense amount of money, but it would have done perfect service; but in my private opinion with less money you can drain it quite as well by coming in a little further.

Q. Your opinion is that it could be done at an expenditure of less money by putting this levee at the Metarie Ridge?

A. The Metarie Ridge is a levee itself. This levee has been cut by these various canals as they pass through, and you cannot keep the water back from the lake, and but for their having to cut this natural levee here the water never would have come up to the city.

Q. The question was not which was the best plan, but the question is this, this being the plan adopted, would this plan, if it had been carried out, have been effective and drained the territory that was embraced within its limits?

A. Yes, sir; because the numerous and powerful engines here would throw out beyond at Bayou Bienvenue.

876 Q. How were the internal canals—were they numerous?

A. I do not see it carried out. You have it on the other map. All the canals that were made by Mr. Bell are on that map. There was no contemplation of making more canals than are on that map.

Q. But the plan contemplated the completion of this lake-shore front?

A. Yes, sir; this is the lake-shore front, and the object of Mr. Bell in putting it there was because we had to have a straight front and to take the ragged edge off; there were only two feet of water in front of the levee; we took the general bearing of the thing in 2 feet of water.

Cross-examination by Mr. HALL:

Q. You say that the effect of the system if carried out would have drained the lands?

A. Yes, sir.

Q. And all of these canals were excavated as provided in this plan and provided with reservoirs to receive the water; if these pumps were numerous and powerful they would have carried out the water?

A. Yes, sir.

Q. But you say the expense of this would have been enormous?

A. Yes, sir.

Q. How much?

877 A. Well, I have not figured it into thousands, but it would have cost an immense amount of money, judging from the amount that has been done.

Q. What proportion of the entire work was accomplished?

A. Hardly $\frac{1}{10}$ of it on the lake-shore front.

Q. About what proportion of the entire system—the excavation of the canals, the building of the embankments, the building of the revetment—what proportion of the entire work do you suppose was completed?

A. The only thing that I see here of new work is this Upper Line levee canal.

Witness, being shown the map No. 1, says: That was made while we were there, this Orleans canal and the continuation of the London avenue canal; I staked that out myself, and this People's avenue canal and the Poydras canal, but the Poydras canal did not add anything, because it was Canal street, the canal that was moved there.

Q. But it was a new canal built?

A. Yes, sir.

Q. In other words, if you take into consideration this drainage system as an entire system as it was, with the embankments built and the levees built, the excavations made, and the pumps put

up, what proportion of that work do you think, as a system, had been done? I mean what proportion has been done approximately.

A. Well, the machinery—not a piece of machinery was made nor a lock made; there was only the canals and the throwing up of the dirt; that is a small part of the work comparatively to what had to be done. Look at the immense work of these locks and the machinery to be renewed. We could not use any other machinery; the inside machines were not strong enough; there was not a single wheel, except perhaps the London avenue machine had a little power.

878

Q. When you take into consideration the fact that under this plan another levee had to be built along the lake front, and taking into consideration the digging and deepening of the canals; when you take into consideration the building of the locks; when you take into consideration the buying and putting into place of the machinery, do you believe anything more than $\frac{1}{10}$ of the work has been done?

A. Well, that is what I suppose—about $\frac{1}{10}$.

Q. Now, you say that the Metarie Ridge is a natural levee behind the city?

A. Yes, sir.

Q. Would the back part of the city there be overflowed from the lake by reason of the water coming up by the storms if that natural levee had not been cut through?

A. No, sir; that levee never failed, but it was replaced by the people themselves to keep the water from coming over the land.

Q. So that if overflows have taken place because the water backed up from the lake it was because the canals excavated were not competent to keep out the water?

879

Yes, sir.

Q. If these canals had not been dug through the Ridge the overflows would not have taken place?

A. No, sir.

By Mr. DE GRAY:

Q. And if the revetment levee along the lake shore had been built?

A. It would have done what I say.

Q. And if the protection levee along the lake-shore front had been built and the locks had been put into these canals as was contemplated, it would have protected the property not only on this side of the Metarie Ridge, but it would have protected the property on the other side of the Metarie Ridge?

A. Yes, sir; it would have done that.

Q. Now, the building of these canals that you have spoken of through the Metarie Ridge, were they built by the Mississippi and Mexican Gulf Ship Canal Co. or by the city of New Orleans or were they built by another corporation?

A. I cannot recollect how that Orleans canal has been made—what I call the New canal.

Q. What is known as the New canal, to which you have referred

as being cut through the Metarie Ridge, was put there many years prior to the building of this work by the city of New Orleans?

A. Yes, sir.

880 Q. Was it not built by the New Orleans Canal and Banking Co., as it was called?

A. I do not know; I was not here at all.

Q. Look still at the map No. 1—the blue lines; what are they?

A. The old canals widened and deepened; these are the blue canals.

Q. Were these canals widened and deepened, under the supervision of the city of New Orleans, while this work was going on?

A. Yes, sir; many of them are inside the Metarie Ridge.

Q. And as deepened, how deep were they dug, do you remember?

A. Well, almost all our canals at that time were dug with a small dredge-boat; the deepest that I believe they dug them was 7 feet.

Q. I will refer you to the case of the Hagan avenue canal. Do you know how deep the Hagan avenue canal was dug?

A. I do not know anything about that, but I know it was deeper than the others—that is, those inside of the city; Hagan avenue canal was dug deeper, because it was outside on the open ground; it was deeper than the others, but all these canals, such as the Claiborne canal and the Galvez canal, had a little boat, and could not go deeper than 7 feet.

Q. What sort of a boat dug in the Hagan avenue canal?

A. I do not know.

Q. Now, as I understand, all the internal canals were completed that were designed?

A. Yes, sir; but they never went. I speak of those inside

881 the ridge. Those outside of the ridge, between that and the lake—these canals were in existence; they were not deepened; they were made by Butler during the war.

Q. As I understand you, all the canals within this area are completed; what remained to be done in the way of canals and levees was the completion of the lake-shore front levee and canal?

A. Yes, sir.

Q. All the other canals were completed, with the exception of this lower protection levee?

A. Yes, sir; there was to be a machine right there, at Bayou Bienvenue; between the Florida Walk and Bayou Bienvenue the work was not done; only from Bayou Bienvenue to the river.

Q. All that work was completed, except this lake-shore front?

A. Yes, sir.

Q. That being the case, I ask you what proportion of this work, in your judgment, of the canaling and of the protection levee, remained to be completed. I do not speak of the machinery.

A. Well, the machinery is the part necessary.

Q. Yes; but that is another part, to be paid for in another way. What part of the levees and canals were completed? I do not speak about the machinery.

A. Well, there is only that part and this part.

Q. What proportion was that of the whole of this; was it a large or a small part?

A. It is comparatively a small part; it is about $\frac{1}{8}$ of it in levees and canals.

882 Q. That remained to be done?

A. Yes, sir.

Q. All the rest of the canal-work and the levee-work had been completed?

A. Yes, sir.

By Mr. HALL:

Q. What was the relative cost of building the protection levee as compared with the digging of the canal and throwing up the dirt on the embankment?

A. Well, it was subject to the north and west winds and it was terrible work to put that levee there; they had the most powerful drainage boats in there; they had to throw the dirt so very far to make the whole of that section.

Q. The base of that embankment was about 160 feet?

A. Yes, sir.

Q. What was the base of the upper protection levee?

A. About 60 or 70 feet, maybe.

Q. Now, what was the relative cost of constructing the 2,120 feet of that protection levee as compared to a like amount to the levee on the upper line?

A. Well, there it is; a book-keeper could tell you that, but I was in the field.

Q. It was a great deal more?

A. Yes, sir.

Q. Probably 4 or 5 times greater?

A. I cannot say that.

883 Q. In other words, this protection levee was built in the water and mud—soft, oozy mud?

A. Yes, sir.

Q. And every storm that came up from the north and west blew away what you put up?

A. Well, I cannot say, because the stuff that was taken out of the lake was very tenacious; I took the level on the top of the bank, such as it was, and after the storm I did not find any difference to speak of; it had not settled until it dried, and when once dried it stayed there.

Q. When you take into consideration the building of the revetment and that protection levee and the grading?

A. Yes, sir; it had to be raised in this way; the revetment was on heavy planks.

Q. When you take — into consideration, about how many times more expensive was it to the people—that protection levee—than it was to dig the whole length of the upper line of the canal?

A. I cannot say exactly. I cannot say in money or estimate in money, but I believe it would have cost an immense amount of money, because the work had to go on gradually; the least wind

would stop it; they had to stop sometimes 4 or 10 or 15 days and then go on again.

Q. Would you say about $\frac{1}{5}$ of the lineal measure of that work remains undone—for instance, the entire front of the protection levee; then all that part of the embankment running along the Florida Walk, and then coming back to the river? Is there not more than $\frac{1}{5}$ indicated by the yellow lines?

884 A. Yes, sir; but I take all these canals inside to be done.

Q. When you say that that part remaining undone was $\frac{1}{5}$ you mean lineal measure, without regard to the extent of the work?

A. Yes, sir. These things I never saw. I do not know what the expense was. The books are in the office.

Q. So when you fix that proportion you take the lineal measurement of the canal, without regard to the size of the canal?

A. Yes, sir.

Q. And you say that if the embankment had been built to make it effective, as indicated in that line and extent, that was necessary to make it effective, and the locks had been built and the machines put up—I understand you to say that no more than $\frac{1}{10}$ of the extent of that entire work had been done?

A. Yes, sir; about that.

Q. What relative proportion existed between the cost of the machinery and the cost of this levee and the locks?

A. Well, that is a thing I cannot say. We estimated about that each of these draining machines would come to $25,000 each.

Q. How many were there?

A. There were 5 that we counted on the outer line. The object of Mr. Bell was not to destroy the inside drainage, of course, until everything had been secure outside.

Q. The outside draining machines were estimated to be worth $25,000 each, as forming part of this cost of construction, and

885 there were estimated to be 5 of them?

A. Yes, sir.

By Mr. DE GRAY:

Q. Have you any idea of how much any of this work did cost?

A. No, sir. I say I went there early every morning in our wagons and never came back to the office, and came back at night, so that sometimes we did not see the office for 15 days. We did not keep up with the expenses of the office.

Q. Then you do not know anything about the cost of the work in dollars and cents?

A. No, sir.

Q. You do not know how the cost of the building of the revetment levee that was built for half a mile on the lake would compare with the building of any of the protection levees and canals in dollars and cents.

A. No, sir; but I suppose it could be found in the city hall.

Q. Then, that being the case, you not knowing at this time the cost of this protection levee as far as built, how can you say that in

your judgement that the work remaining to be finished would cost 9 times as much as the work cost which is already done?

A. I speak of it because I saw locks built somewhere else; that these locks are considerable work and cost a great deal of money. I know one lock that was estimated to be made, though fortunately it was not, on the Teche which would cost $95,000. Now, if you had to make them in every canal it would have cost an immense amount of money.

886 Q. Did you ever see Mr. Bell's estimate of the entire amount of what this work ought to cost?

A. I may have seen the amount, but I do not recollect it.

Q. Was not Mr. Bell a competent man in matters of that description?

A. Yes, sir; very competent.

Q. What would you say of his judgment that he rendered as an expert after making all his calculations upon this matter; what would you say of his judgement in these matters? Would it be reliable or not reliable?

A. I think it could be relied upon.

E. C. PALMER, sworn on behalf of the complainant, says:

By Mr. DE GRAY:

Q. Where do you live?

A. I do business in the city of New Orleans.

Q. How long have you been here?

A. 25 years.

Q. Where have you spent most of your time, you being a native of Massachusetts?

A. I spend most of — time in New Orleans.

Q. Did you ever have any business relations or connections with the Mississippi and Mexican Gulf Ship Canal Co. or Warner Van Norden in the way of loaning that concern or Van Norden any money?

A. Yes, sir; to my sorrow.

887 Q. To what extent?

A. A good many hundreds of thousands of dollars.

Q. Do you remember the time of the transfer from Van Norden to the city of New Orleans—the transfer and sale in June, 1876?

A. I do remember it; I was a party to it; it was in June, 1876.

Q. What was the financial condition of Van Norden at that time in June, 1876; was he a capitalist or was he not?

A. A very badly broken one.

Q. Do you know whether or not he had in his possession at that time or under his control the drainage warrants that had been issued prior to that time that were unpaid?

A. I know that he had not.

Q. How do you know that fact?

A. Because I know that I had a large proportion of them, and I know the people that had the rest of them.

Q. Were they then or were they not in his possession or under

his control at the time of the transfer and sale to the city of New Orleans in June, 1876—any of the drainage warrants that were then out and unpaid?

A. I do not believe there was one; there might have been some small fractions of warrants, but not a single warrant as it was originally issued.

Q. Do you know how he got rid of them?

A. Yes, sir; I do.

Q. How?

888 A. Well, he usually—to use a homely expression—eat the calf in the cow's belly. He had to have money to pay his hands weekly or semi-monthly or monthly. He could not get his warrants from the city hall until all the measurements were taken by the city surveyor and certified by the various officers in the city hall—until they were ready to issue to him his certificates or his warrants—and he was therefore obliged to borrow money on the strength of the work he was doing to pay his hands. The amount for that work which he borrowed to my knowledge was from $15,000 to $20,000 a month, and that money he would borrow from me and from other parties in the city—from a number of people that I could name—on the pledge of his work done and on the faith of his transferring to such persons as loaned him money the warrants as soon as issued.

Q. Do you know how many drainage warrants were out and unpaid at the time — the transfer from Van Norden to the city of New Orleans, in June, 1876?

A. Approximately——

Q. How many?

A. $680,000 and odd; possibly $700,000.

Q. I mean work warrants at the time of the transfer.

A. The work warrants that were extant at the time of the sale and transfer were about $380,000, as near as may be; there may be out as much as that, but I do not think more.

Q. I ask if he held at the time he made the transfer these

889 warrants or were they under his control?

A. He did not.

Q. You spoke of his really pledging the warrants before he got them. Had these warrants that you have spoken of, the $380,000, been pledged from time to time as he received them in order to raise money to pay his hands?

A. They had, and they were usually delivered to the pledgees on the day that he got them; sometimes the order for them was delivered before he got them. The parties of whom he got the money went or sent themselves to the city hall and had the warrants delivered to them, so that they never passed into his possession except for his endorsement. It was required by law that he should endorse them, because they were payable to the order of Warner Van Norden, transferee. I think all the warrants were made payable to his order.

Q. Are you familiar with this design for draining the city of New Orleans?

A. I was.
Q. Have you ever been over it or on it?
A. Many times.
Q. Did you examine it and how?
A. Yes, sir; I did.
Q. In what way?
A. Both on foot and in a carriage, on a steamboat and on boats.
Q. Where did you go on a steamboat?
890 A. I went through the entire ramifications of the canal-work that was done from the lake into the city—into the ridge and through the ridge. I went in a steamboat over a great many miles of that work in the different canals here and there. I could not tell you how often exactly.
Q. What was the occasion of your making this examination?
A. Because I was loaning a very large amount of money on the securities of the city, issued, as I supposed, for the payment of the work done in accordance with the contracts, and as I was very largely interested I thought it my business to know something about the facts of the case, and, furthermore, because I personally held the pledge for the loan made of the entire machines with which the company worked, and I wanted to see how it was—whether it was kept up in the proper repair and was doing work such as it ought and was capable of doing.
Q. You have seen these maps, have you not, that have been exhibited here marked complainant's No. 1 and complainant's No. 2?
A. Yes, sir.
Q. You are familiar with the design. I will ask you if you can state from your judgement what was the comparative proportion of the canals and levees that were completed?
A. I got from Mr. Bell, with whom I had a great many interviews on the subject many times, statements——

Mr. Hall objects to the statement as hearsay.

WITNESS: I got many statements from Mr. Bell as the work progressed, before the company abandoned or sold out to the city
891 of New Orleans—Mr. Bell informed me—I got some statement from the company itself or from its officers, but Mr. Bell informed me that the entire work, so far as the canals were concerned, might be said to be completed—that is, the interior canalling and leveeing—with the exception of a portion of the canal and levee on the lower line, from the river to the point some little distance from the Northeastern railroad, beyond which it was completed. Mr Bell informed me that there remained only practically the remainder of the protection levee as a work for the dredge-boats, and the rest was simply the building of locks and the putting in of the machinery.
Q. What was Mr. Bell's relation or connection with this work and with The City of New Orleans, the defendant in this case?
A. Mr. Bell, as I was led to believe, was the city's chief engineer and surveyor.
Q. Do you know it or not as a fact?

A. Yes, sir; I know it as well as any individual can.

Q. Is Mr. Bell now dead?

A. He is dead, unfortunately for the city, I think. I was going on to state that, in addition to inquiring of Mr. Bell, I myself consulted monthly the several maps on which the city surveyor painted the work as it progressed, so that I might know of my own knowledge, and I also went, as I said, on steamboats and in carriages and
892 boats to personally inspect and see the work as the city surveyor stated to me and as Van Norden stated to me and as the other officers of the Mississippi and Mexican Gulf Ship Canal Co. — was being really done.

Q. How did the statements of Mr. Bell compare with your actual observation?

A. They were perfectly truthful. I never knew him to state anything else.

Q. Look at the complainant's map No. 1. I call your attention to the notes upon the side, which is an explanation of the coloring that is found upon the map, and ask you whether that, according to your examination, truthfully represents the state of the work at the time of the transfer to the city of New Orleans.

A. So far as my eyesight can tell me, that is exactly a copy of the map furnished me at the time of the state of the work at that date. It may be slightly different in some particulars that I cannot see, but it looks — to me, as I had the map furnished me; but this is not so complete as the map furnished me, because it gave the exact number of miles of canals that were finished, and this does not.

Q. Look at the top, at the right, and see—do you not see it?

A. Yes, sir; that is in pencil, but I have a statement and map from the city hall officers.

Mr. Hall objects on the ground that if such a map exists it must be produced and this testimony is hearsay.

WITNESS: I have had such a map or maps that stated—I
893 have seen in court myself—that there are 26 miles of interior canals finished.

Mr. Hall objects as secondary evidence, and is inadmissible.

Q. Please look at this map and state whether the work, as exhibited on this map, agrees with your recollection of what was done.

A. I know that the work, as painted on the map that I had, was done. Whether this map agrees in every particular with that map I am unable to state from mere eyesight. I have not seen it for some time, but it looks to me as a correct map.

Q. You say that you have made a personal examination of all this work?

A. I did not say all, but most of it.

Q. Now, does that map, Complainant No. 1, correspond with your recollection of the work as finished?

A. It does substantially. I do not say exactly. I do not like to say that. I do not like to say that Mr. Bell's original map or the one that I had is the exact counterpart of that.

Q. Did you ever have any consultation on your investments—the loaning of money in this matter? Did you ever inform yourself as to the practicability of this plan with other engineers or other parties?

A. I did.

Q. With whom?

894 A. With Mr. James B. Eads, because at that time I was interested with him in the building of the jetties, in which company I was a large stockholder and loaned a great deal of money. Besides, I had such confidence in Mr. Eads as an engineer that I showed him this plan several times, as I thought his judgement would help me, because I did not want to go on loaning money. I wanted to know could this scheme be carried out by the city and how.

Q. What was the result of your consultation with Mr. Eads?

Mr. Hunt objects to this testimony as hearsay, as conversation between third persons, and is *res inter alias acta* and therefore irrelevant.

A. Captain Eads stated to me that he considered it just as easy to drain the city of New Orleans by this plan as it was to drain any sugar plantation on the coast that he knew between the Gulf of Mexico and Baton Rouge; and, as I was a sugar planter at that time, it was necessary that he should describe it to me in that way.

Q. What was the result of your judgement, having been a sugar planter? How many plantations did you manage?

A. I owned three at that time, individually.

Q. Were they drained at all?

A. Yes, sir.

Q. In what way?

A. By this very method.

895 Q. By levees below and above and behind?

A. Yes, sir.

Q. What was the result of your draining of these plantations; was it successful?

A. Wherever they were thoroughly drained it was successful as it had been.

Q. I ask you, Were they drained?

A. When I bought them they were not drained.

Q. How was it afterwards?

A. I spent a great deal, thousands of dollars, in doing similar work as here, and where we proposed to drain the lands we made them as good and productive lands as any on the property and sometimes the very best.

Q. What was your individual judgement, based upon your individual experience in similar matters, as to the practicability of this plan of Bell's about draining the entire territory embraced within the design?

Mr. Hall objects to the question and the answer on the ground that no basis has been shown to justify the witness in being examined as an engineer or hydraulic expert.

A. For the very reason that I did not consider myself a drainage or hydraulic expert I took counsel of a man whose judgement I thought was better than my own, but I have had some little experience in that line myself. I can only say in answer to the question, generally, that I never doubted before I loaned a dollar
896 on this work, nor do I doubt now, that that is a very feasible scheme for the draining of the city of New Orleans—that has been. It is just as easy to drain the city of New Orleans to-day as it was to drain with dykes the territory of Holland, which is after the same plan, which was drained 40 years ago. I would take a contract to-day to do that work if anybody would help me. It is a very feasible plan—the only plan I know of suitable to the city of New Orleans. It is the cheapest plan that could be devised, and I think James B. Eads has agreed with me in this opinion as to it being the cheapest plan that could possibly be devised.

Cross-examination by Mr. SAUNDERS:

Q. Did he consider the entire plan?

A. He did consider every other plan for the entire drainage, but he said they were not likely to succeed. In the first place, because the city is a dead level, there being only 13 feet fall from the river to the lake, it is almost impossible to devise a plan to render it feasible to pump it out; but this is a feasible plan, and exactly the plan that was carried out 50 years ago in Holland, which is a success. I never saw nor cannot see why this plan is not carried out, for the cost is merely nominal compared to the value to come.

Q. You have spoken of the fall from the river to the lake being comparatively slight. Was there anything in the plan that was designed to increase the fall or to make the water flow more rapidly?

897 A. Beyond question. The fall from the river to the lake by the levels is about, in round numbers, 13 feet by actual survey. That is all the actual fall there is in the land. The plan formed by Mr. Bell was a common-sense one, inasmuch as it increased the fall from 13 to 25 feet.

Q. How?

A. By simply providing in the rear a canal which, when pumped out, would be 12 feet deep, and that gave the additional 12 feet. It was 13 feet ordinarily, but by digging this canal 12 feet it added 12 feet, the same as we do on plantations. On plantations the people dig a big canal, and when they pump out the canal they increase the depth below the level of the land.

Q. This levee along the protection levee was 12 feet deeper than the canals?

A. No, sir. This levee was made by digging the canal in the lake, by digging the earth. These red lines, for instance, were the divisions out of which the earth was dug to make the levee. By putting so many cubic feet of earth on the levee the canal was made. Now, if they threw up a levee 12 feet high they would have a canal 12 feet deep from which they have taken the earth. Besides, then, the

earth was more compact, and that made a canal which at the minimum would be 12 feet below the bottom of the lake.

Q. There was a canal along the protection levee?

A. Yes, sir; that canal resulted from the building of the protection levee.

898 Q. How were the internal canals which were to lead into the reservoir canals inside the revetment levee; how were they to be constructed with regard to depth?

A. They were to be constructed—all of them—so that they had an outlet which would be at the bottom of the reservoir canal.

Q. Immediately back of the revetment levee?

A. Yes, sir; exactly as all systems of drainage have done, commencing 12 feet below the bottom of the lake.

Q. To what extent would that increase the fall of water from the river front to the lake?

A. 12 feet.

Q. Making it in all?

A. 25 feet; instead of having the 13 feet it was to have a minimum fall of 25 feet. That would increase the natural drainage area or power, but by the additional fall, as Captain Eads used to say in regard to the work down at the mouth of the river, it increases not only the fall, but it increases the power of every foot of canal with increased depth and increased speed by the fact that every foot you increase the depth you increase the speed at which the water runs into the canal. I have seen that demonstrated on plantations. A 5-feet canal of a certain depth will carry ever so much water per minute, but a canal the levee of which is increased another foot will carry twice as much water in the same time; and the theory was that if you gave the drainage canals a different slope of as much as

899 10 or 12 feet in the 6 miles, which is from the city to the lake, all the canals would have drained off more than double the amount of water that they do now. It is a simple proposition. A 6-inch pipe will carry twice as much water at a certain level as it will at another certain level, because the water goes through it with double the velocity; that is the principle of building the jetties at the mouth of the river.

By Mr. HALL:

Q. Which one of these canals did you ever take your excursions in a steamboat upon. Point them out.

A. I mean a steam-tug.

Q. Did you go up or down the upper protection canal?

A. Yes, sir.

Q. Did you go up or down the lower protection canal?

—. Yes, sir; I did.

Q. Did you go into the new canal?

A. No, sir; because that was no portion of this system.

Q. Did you go into the Orleans canal?

A. Yes, sir.

Q. Where did you go last on a steamboat?

A. I cannot say by name, but it was here three distinct —; but I

did go into some interior canals. By a steamboat you could not go into all the interior canals this side of the Metarie ridge.

Q. Did you visit these in a carriage or did you visit them in a boat?

A. No, sir; it was in a carriage—the same three I visited—
900 this interior one in a carriage.

Q. Not these lying beyond the ridge in a carriage?

A. Well, you could drive down the whole length. I went down there often.

Q. There was no means of driving to the minor canals outside the Metarie ridge?

A. Yes, sir. I drove down to the London avenue canal. There was a road along there nicely level, but it was not a first-class drive, but below the protection levee was a first-class drive. The London avenue was rough.

Q. This memorandum on the plan indicates—I mean the plan offered by the complainant—indicates there were excavated 13 miles of new canal. How many miles of canal under this plan remain to be excavated?

A. They told me about 6 miles.

Q. But these figures on the map, namely, 97072, 66085, 13025, to complete the protection levee and canal, and 15914 feet to complete the levee and canal in the Florida Walk down to about ——, and 9,900 feet of the protection levee and canal along the Fisherman canal line were unfinished, or rather have not been excavated, and the sum total of these figures will show the sum total of the work that has not been done?

A. Yes, sir.

Q. Now, you state that when this transfer was made by Van Norden that he was a very needy capitalist, broken up completely?

901 A. He was not a capitalist at all. He was badly broken.

Q. Had he ever been a capitalist?

A. He so represented himself to me. He done very large operations and handled a great deal of money.

Q. Had he any money of his own for this work at the time he was negotiating the loans?

A. I cannot say.

Q. Why was he seeking for money?

A. Well, at the time that he was doing the work of drainage he was broken down.

Q. Did he not engineer this whole scheme by which the whole of this work was loaded upon the city?

Mr. De Gray objects.

A. My opinion is that the city herself engineered that scheme, but I do not know anything about it.

Q. He had every inducement to get rid of it?

A. On the contrary, the only way to prevent his universal bankruptcy was to keep it.

Q. Why did he sell it?

A. Because the city compelled him to sell it.

Q. How did the city compel him?

A. Because the city refused to give him any more pay for the work done.

Q. Did not the city give him the warrants?

A. Yes, sir; but they refused to give the bonds for the warrants. They put themselves on such duty that he could not work.

902 Q. Then, when you say that, you mean the city declined to issue the gold bonds?

A. Well, yes, sir; something; but he could not borrow the money from any capitalist in the city. Mr. Godchaux and some others on Carondelet street refused to loan him any money. The securities which he was compelled by the city to take when he was trying to get bonds, he had to pledge them.

Q. Did he borrow the full value of them?

A. No, sir; not at all. If he did he would have completed the work, and the city of New Orleans would have been drained to-day.

Q. What was the amount of these warrants; how much were they worth?

A. When they were first issued he got as much as 75 cents on the dollar, and when capitalists lost faith in the city that she would do right they fell down to as low, before he sold out to the city, that he could not get more than 33 or 40 cents on the dollar for them. They were as low as 33⅓.

Q. When you speak of yourself as loaning money you speak of the president of the Louisiana Savings Bank?

A. No, sir; as an individual and having a large amount of capital to invest here for other people. The Louisiana Savings Bank had a very small amount comparatively; it was a small concern.

Q. The upper protection levee is dug and is filled with water from the lake to Carrollton?

A. I cannot say its condition now, but it was said to be finished.

903 Q. That water in that canal on the upper protection levee finds itself on a level? It is as high at the lake as it is at the river, as a matter of course?

A. Yes, sir.

Q. Because it is not flowing; it is absolutely stagnant water?

A. Yes, sir.

Q. Down at the lake it is perhaps a foot or two on the outside below the level of the swamp; I mean that canal. I mean the surface of the water is about a foot or two feet below the level of the swamp lands in which it passes; I mean the natural bank?

A. Yes, sir; it is about that.

Q. It is a foot or at the most two feet above the surface of the water?

A. Yes, sir.

Q. How high is the natural land at Carrollton next the river above the surface of the natural land?

A. I cannot say. I have not been there for years.

Q. At the time you saw it it was not more than 3 or 4 feet?

A. Yes, sir; very much more, but do not understand me to say that fall—it is the difference of the level between Carrollton and

the lake. You think my statement of 13 feet is exaggerated, but it is not. You are quite right there. The city's front is 12 miles long. The fall of the city along is an inch and a half to the mile—that is, 18 inches; and then it is a fact that the bank of the river in front of the city is—I am informed by engineers who surveyed
904 it—is higher. The distance from Carrollton to the lake is not half of what it is here. Of course, when the river gouges in, as it does not at Carrollton, it cuts into the fall; perhaps half of it. I would say that the fall from the river to the lake there is not more than 6 feet or less. I cannot say exactly how much it is, but it is much less than here.

Q. Is the depth of this canal any deeper at Carrollton than at the lake?

A. On the contrary, it is very much less.

Q. How deep was the excavation at Carrollton?

A. I cannot say; it was over 12 feet at the lake.

Q. Now, the canal you describe as being inside the protection levee in the lake, you say the design was to excavate that 12 feet deep?

A. Yes, sir.

Q. Was it so excavated at the point where the embankment was completed?

A. Yes, sir.

Q. That was a large reservoir, in order to facilitate the drainage?

A. Yes, sir.

Q. A large canal?

A. Yes, sir; if it was completed it would have been an enormous canal.

Q. What do you estimate would have been the width of that canal?

A. I cannot say, from memory, in feet; but I could tell from the map.

905 Q. But it would be a canal three times larger than the Upper Line canal, or greater in receiving capacity?

A. I cannot say, but the map will show the area of the canal; the area of the canal is laid out in the tracing of the profile.

By Mr. SAUNDERS:

Q. You say you are thoroughly familiar with this scheme of drainage?

A. I do not think I said that; I said I thought I was tolerably familiar with it.

Q. You said you were interested to familiarize yourself with it?

A. Yes, sir; I was at that time.

Q. And you went over it to see if it was progressing satisfactorily?

A. Yes, sir.

Q. And to see what the proportion of the work done was to the proportion of the work to be done?

A. No, sir; that was not my object.

Q. How could you tell otherwise that the work was progressing satisfactorily?

A. I could tell by examining the maps in the first place.

Q. What was your object in examining the maps?

A. To see how rapidly the work was approaching completion.

Q. Then what you wanted to see was how the proportion of the work done compared to the proportion of the work to be done?

A. Yes, sir.

906 Q. That was to know what amount of work was to be done?

A. Yes, sir.

Q. Now, do you recollect what was the number of miles of levees that had to be excavated on the original plan?

A. No, sir; I do not.

Q. Did you ever know?

A. Yes, sir; I did know, but I cannot remember it in my mind to-day just what the exact number of miles was. In round numbers I have it in my mind that there were something over 30 miles of interior canalling and leveeing necessary to complete the work—something over 30 miles—of which 26 about were completed.

Q. Of the interior canals?

A. The interior canal was all completed, so far as I know, except at the Lower Line canal.

Q. Now, in inspecting this work you observed frequently the relative cost of the different parts of the work, did you not?

A. No, sir; I cannot say that I did. I did not know the cost to do that, for the reason I did not think it necessary because the measurements were all made by the officials of the city, and they would not pay for it if it was not done.

Q. Did you take notice of what work was done in the canals that were only cleaned out and those dug for the first time?

A. I do not know, but I know this work went slowly in these main canals. They were large and deep and full of stumps, and I know stumps to take a week to get out. I mean the Upper Line canal and the Lower Line canal and the Hagan avenue and

907 the London avenue canal.

Q. Do you know what proportion of the new levees had been completed when the work was turned over to the city?

A. I cannot answer that question; it is all on that map.

Q. Do you know the relative cost of excavating and deepening the old canals as compared with the digging of the new canals?

A. I do not know at this distance. I did know.

Q. Was it more expensive deepening the old canals or digging the new ones?

A. Digging the new canals was very much more expensive.

Q. They were below comparison?

A. Yes, sir; they could dig a larger quantity and those that were dug through the swamps with enormous trees, and they had to cut them out.

JAMES W. PEAKE
vs.
THE CITY OF NEW ORLEANS. } No. 11614.

NEW ORLEANS, *December 18th*, 1888.

Testimony resumed on behalf of the complainant in rebuttal, this day, before O. B. Sansum, Esq., examiner, all the counsel of record being present.

JOHN L. NEWMAN, sworn for the complainant, says:

By Mr. DE GRAY:

Q. What is your official position in the city hall?

908 A. I am chief clerk in the comptroller's office.

Q. Can you state from your records whether any compensation was made to Roselius & Philips under ordinance No. 954?

A. Yes, sir.

Q. That ordinance provides for the issuance of certificates to Roselius & Philips under ordinance No. 882, does it not?

A. Yes, sir.

Q. Were there any certificates of indebtedness of such a character as are described in ordinance 882 issued to Roselius & Philips?

A. Yes, sir.

Q. For how much?

A. For $18,971.30.

Q. And how many certificates were there?

A. 19.

Q. And numbered?

A. From 4 to 22, inclusive.

Q. Can you tell us what became of these certificates?

A. These 7-30 certificates were exchanged for gold warrants.

Q. To whom were the gold warrants issued?

A. The gold warrants were issued to S. D. Moody and E. P. Boyer.

Q. S. D. Moody surrendered what warrants?

A. 7-30 certificates from 4 to 13, inclusive.

Q. Of the certificates that had been originally issued to Roselius & Philips?

A. Yes, sir.

Q. And E. P. Boyer?

909 A. He surrendered numbers from 14 to 22, inclusive, for the same 7-30 certificates.

Q. Originally issued to Roselius & Philips?

A. Yes, sir.

Q. Had Moody and Boyer in the meantime become the owners of the certificates of Roselius & Philips?

A. I cannot say; probably Roselius & Philips sold them to Moody and Boyer, and they came to exchange them into gold warrants.

Q. Did any warrant issue to Moody upon the surrender of the 7-30 certificates numbered from 4 to 13, inclusive?

A. Yes, sir.

Q. What was the number of that warrant?

A. Warrant 363 was the number of the gold warrant issued.

Q. And the amount of the gold warrant?

A. Was $11,111.11.

Q. That warrant being issued at 90 cents on the dollar?

A. That I do not know.

Q. Well, make the calculation and see.

A. That would be only $9,000.

Q. When E. P. Boyer surrendered the warrants from 14 to 22, inclusive, of the original lot issued to Roselius & Philips, did he get any gold warrant?

A. He got warrant 373, for $10,000.

Q. The amount of the warrant which he surrendered of the 7-30 was $9,000, and he got a warrant for a gold bond for $10,000?

910 A. Yes, sir.

Q. When were the original warrants issued to Roselius & Philips?

A. July 12th, 1871.

Q. Now, when was the surrender made of these warrants paid Moody and Boyer?

A. I do not see any date here at all. It does not say. The book shows no date.

Q. It is thus explained, the transaction, as far as it appears in the books in your office?

A. As far as I made research.

Q. What office will show what was done ultimately with the warrants 363 and 373?

A. I should say the comptroller's office ought to show that.

Q. And whether the bonds were issued?

A. Yes, sir.

Mr. De Gray offers in evidence the entries in the book entitled "Register of 7-30 certificates under ordinance 8028, A. S., department of public accounts, page 1."

A. P. HARRISON, sworn on behalf of the complainant, says:

By Mr. DE GRAY:

Q. Will you turn to your book showing the issue and delivery of consolidated gold bonds, general series, issued under act No. 73 of 1872, and tell us, if you can, to whom the bonds were issued for the warrant No. 363 and the warrant No. 373?

911 A. The first one here is 373.

Q. Was that warrant presented to you for conversion into 7 per cent. gold bonds?

A. The certificate was presented to me for the delivery of $10,000 gold bonds.

Q. By whom?

A. I cannot say who presented it. It was in favor of E. P. Boyer. The people came and got their bonds and they were delivered to them or bearer.

Q. What date did you deliver this $10,000 bond to him?

A. The certificate was dated the 17th of July, 1872, and the delivery was on the 9th of January, 1873.

Q. The certificate was for $10,000 and you delivered $10,000?

A. They were delivered in that complement of $48,000—delivered on that date to the same party who was holding all these certificates and that included.

Q. Now, see if you can find 363.

A. 363 A—the date of that is the first day of July, 1872. It was surrendered on the 3rd of April, 1873.

Q. That is warrant 363 A?

A. Yes, sir.

Q. On that date how many bonds were delivered on that certificate?

A. $11,000. That needed a delivery of $11,000. The certificate was in the name of Moody.

912 Q. Did that certificate leave a fraction of the amount unpaid?

A. Yes, sir; that is the fraction A.

Q. The balance of the certificate is——

A. The date of the balance of the certificate is 363 B, dated July 1st, 1872, and was converted into a bond, together with 3 other certificates, for $111.11 on the 25th April, 1873.

Q. Will you please look at this paper and state whether that is the form of warrant that was used for the delivery of the general series of bonds?

A. Yes, sir.

Q. Now, wherein did the warrant that was used for the delivery of the drainage series of bonds differ from this certificate?

A. They looked like it, but they had the words "drainage series" marked upon it.

Q. They had the additional words "drainage series;" otherwise they were similar to this?

A. Yes, sir; perhaps the phraseology was the same.

Q. What is your knowledge about it?

A. They were certificates emanated from these series under the signature of the mayor and the administrator of finance and of account.

Q. You were called upon when we were here last to produce the paper upon which they were delivered—the bond for the drainage series.

A. Yes, sir.

913 Q. Have you been able to find that?

A. I have not been able to find that.

Q. You looked for that before this time?

A. Yes, sir; I made a search for these papers.

Q. And up to this time you have been unable to find them?

A. Yes, sir.

Q. On the presentation of the form of certificate which I have shown you you took up the certificate, punched it, cancelled it, and delivered it?

A. Yes, sir; that is my idea about it.

Q. And according to your recollection the form of the certificate for the drainage bond differed from the bonds of the general series only in the fact.

A. Well, I do not know. I know the difference in the general series was that one was expressed and the other was not.

Mr. De Gray states that he will make a copy of this form of blank warrant for the consolidated bond and offer it in evidence, to which there is no objection, to be identified by the examiner by initialling the same O. B. S., ex., December 18th, 1888.

Q. The bonds issued to Boyer and Moody, about which you are testifying—A. T.?

A. They were not issued to these parties; they were issued to other parties; they were negotiable.

Q. But the bonds about which you have been testifying were issued under the general series of bonds provided for by the
914 act 73 of 1872, as distinguished from the drainage series of bonds?

A. Yes, sir; they were not part of the drainage series. The drainage series were so stamped upon their face as drainage bonds, stamped D. S. The bonds called for by the two certificates, 363 and 373, were not of the drainage series provided for by the act 73 of 1872, but they were bonds of the new consolidated debt, which the city of New Orleans provided for in the said act.

Complainant offers in evidence a certified copy of the docket of the supreme court of the State of Louisiana in suit No. 4333 of that court, marked by the examiner O. B. S., ex., December 18th, 1888.

Also the agreement with reference to the sale of the dredge-boats, made in the suit of A. Marchand *vs.* J. O. Noyes and others, marked O. B. S., ex., Dec. 18, 1888.

Also a certified copy of the late the third district court of the parish of Orleans, No. 17028 of that court, together with the certificate of the clerk of the supreme court of Louisiana, thereto attached, marked O. B. S., ex., Dec. 18, 1888.

Also the report of the special committee of the city council on the drainage tax, under date of New Orleans, May 15th, 1883, marked O. B. S., ex., Dec. 18, 1888.

Extract from the report of Alfred Shaw, administrator of public accounts, dated July 1, 1872, marked O. B. S., ex., Dec. 18, 1888.

915 Also ordinance of the city council No. 264, council series, marked O. B. S., ex., Dec. 18, 1888.

Also ordinance No. 882, administration series, marked O. B. S., ex., Dec. 18, 1888.

Also ordinance No. 1504, administration series, marked O. B. S., ex., Dec. 18, 1888.

Also ordinance No. 2128, administration series, marked O. B. S., ex., Dec. 18, 1888.

Also ordinance No. 2460, administration series, marked O. B. S., ex., Dec. 18, 1888.

Also ordinance No. 6969, marked O. B. S., —, Dec. 18, 1888.

Also form of warrant for new consolidated bonds, marked O. B. S., ex., Dec. 18, 1888.

Also the judgement, execution, and marshal's return thereon in the case of James Jackson *vs.* The City of New Orleans, No. 11558 of the docket of the circuit court of the United States for the eastern district of Louisiana, marked O. B. S., ex., Dec. 18, 1888.

Also the statement of indebtedness of the city of New Orleans on June 30, 1872, marked O. B. S., ex., Dec. 18, 1888, as contained in the report of the department of public accounts of the city of New Orleans, endorsed as parts 2 & 3, July, 1872, with the supplementary report up to December 7th, 1872.

Also the statement of the indebtedness of the city of New Orleans, December 31, 1872, marked O. B. S., ex., Dec. 18, 1888, as con-
916 tained in another report of the department of public accounts of the city of New Orleans, December 31, 1872.

Also a similar statement of the indebtedness of the city of New Orleans, June 30, 1873, marked O. B. S., ex., Dec. 18, 1888, as contained in a similar report of the department of public accounts, June 30, 1873.

Also statement of the indebtedness of the city of New Orleans on December 31, 1873, marked O. B. S., ex., Dec. 18, 1888, as contained in a similar report dated December 31, 1872.

Also the report of the indebtedness of the city of New Orleans, June 30, 1874, marked O. B. S., ex., Dec. 18, 1888, as contained in a similar printed report of June 30, 1874.

Also the statement of the indebtedness of the city of New Orleans, December 31, 1874, marked O. B. S., ex., Dec. 18, 1888, found in a similar printed report of June 30, 1874.

Also the statement of the indebtedness of the city of New Orleans, December 31, 1874, marked O. B. S., ex., Dec. 18, 1888, found in a similar printed report of the department of public accounts of the city of New Orleans under date of Dec. 31, 1874.

Also statement of the indebtedness of the city of New Orleans, December 31, 1875, marked O. B. S., ex., Dec. 18, 1888, as contained in a similar report dated December 31, 1875.

Also the report of the bonded indebtedness of the city of New Orleans, June 30, 1876, marked O. B. S., ex., Dec. 18, 1888, as contained in the printed report of the department of public accounts of the same date.

917 Also the statement of the bonded indebtedness of the city of New Orleans, December 30, 1876, marked O. B. S., ex., Dec. 18, 1888, found in a similar printed report of the department of public accounts ending December 31, 1876.

Both parties here declare that the evidence is closed; that they dispense with the signatures of the witnesses to their testimony, and the order for the publication of the testimony is waived by consent of both parties.

918 J. W. PEAKE
vs.
CITY OF NEW ORLEANS. } In Equity. No. 11614.

I, O. B. Sansum, hereby certify that all the proceedings had in this cause before me and set forth in forty-one pages of manuscript and one hundred and — pages of printed matter, the same being made by a type-writer, together with all exhibits therein mentioned, all exhibits being identified by my initials, O. B. S., ex., and the dates, were offered.

O. B. SANSUM, *Examiner.*

New Orleans, December 20th, 1888.

919 164. *Statement by F. N. Butler of Costs of Court and Counsel Fees Paid by John Crossly Sons, Limited, &c.*

Statement of costs and expenses paid by John Crossley & Sons, Limited, in maintaining and enforcing the draining taxes assessed under acts of 1858, 1859, 1861, and 1870.

Nov. 11, 1880.	Stamps on transfer 3 drainage suits to civil dist. c't	$15 00
Nov. 25, 1880.	Stamps oppo'n Davidson case	4 60
Nov. 29, 1880.	Acts Berges case	6 40
Jan'y 17, 1881.	Stamps Davidson case	5 60
Jan'y 24, 1881.	"	2 30
Jan'y 31, 1881.	Stenographer's bill Davidson case	1 60
Dec. 24, 1881.	Removal Berges case to U. S. C. c't	20 55
Dec. 28, 1881.	State *ex rel.* Crossley *vs.* City *et als.*	16 40
M'ch 7, 1882.	Stamps Coffin case	1 30
M'ch 18, 1882.	Sheriff's costs Berges case	8 00
M'ch 22, 1882.	Petition revival judg't 3 D. D.	1 50
M'ch 30, 1882.	Citations in Davidson case	6 00
Ap'l 6, 1882.	Transcript removal No. 4890 U. S. C. c't	8 09
Ap'l 6, 1882.	Copies judg'ts 1 & 3 D. D.	5 60
Ap'l 22, 1882.	Clerk U. S. C. c't in suit 4890	20 00
Ap'l 26, 1882.	Stamps City *vs.* Berges	80
June 8, 1882.	" Berges & Davidson cases	2 80
July 14, 1882.	Paid Breeden, stenographer, Berges case	45 60
Sept. 19, 1882.	Transcript Davidson case	185 00
Oct. 5, 1882.	Sup'l "	8 00
	Am't carried forward	$375 05

920

	Am't brought forward	$375 05
Oct. 6, 1882.	Transcript & map Davidson case, U. S. Sup. C't	100 75
Oct. 14, 1882.	Enlarging transcript Davidson case, U. S. Sup. C't	6 45
Oct. 28, 1882.	Am't remitted clerk U. S. c't Davidson case	200 00

Oct.	28, 1882.	Intervention revival judg't 3 D. D. case	55
Oct.	28, 1882.	214 copies intervention 3 D. D. case	214 00
Oct.	28, 1882.	Sheriff's costs 212 petitions 3 D. D. case	212 00
Nov.	28, 1882.	Stamps City *vs.* Berges, 1224 C. D. c't	5 05
Ap'l	28, 1881.	P'd Hansell printing brief State *ex rel.* Miss. & Mex. Gulf Canal Co. *vs.* City	44 10
Dec.	5, 1882.	P'd printing petitions rev. judg't 3 D. D., &c.	40 05
Dec.	6, 1882.	P'd stenographer's bill Berges case	7 00
Jan'y	3, 1883.	P'd stamps "	3 00
Jan'y	20, 1833.	P'd " 4 D. D. case	6 50
July	3, 1883.	Am't p'd M. Gutheim, att'y *ad hoc*, 3 D. D. case	325 00
July	3, 1883.	Stamps Coffin *vs.* City	1 50
July	3, 1883.	Crier's fee 4 D. D. case	1 00
July	11, 1883.	Stamps on appeal bond 4 D. D. case	30
Sept.	4, 1883.	Am't p'd M. Gutheim, att'y *ad hoc*, bal. fee 3 D. D. case	250 00
Oct.	1, 1883.	Am't p'd H'y B. Kelley, att'y *ad hoc*, 4 D. D.	375 00
Nov.	15, 1883.	Transcript appeal 4 D. D.	50 00
Nov.	16, 1883.	Deposit with clerk sup. c't La., 4 D. D.	20 00
Nov.	20, 1883.	Bal. fee H'y B. Kelley, att'y *ad hoc*, 4 D. D.	200 00
Nov.	24, 1883.	Stenographer's bill 4 D. D. case	3 15
Feb'y	29, 1884.	Stamps on 122 petitions to revive judg't 1 D. D.	127 00
Feb'y	29, 1884.	Dep. with sheriff to revive judg't 1 D. D.	100 00
M'ch	5, 1885.	Stamps on 67 more petitions to revive judg't 1 D. D.	67 00
		Am't carried forward	$2,534 45
921			
		Am't brought forward	$2,534 45
M'ch	14, 1884.	Stamps on 18 more petitions to revive judg't	21 00
M'ch	17, 1884.	Stamps on copy and register judg't	2 25
Ap'l	14, 1884.	Printing brief Crossley & Sons *vs.* City	9 75
Ap'l	14, 1885.	P'd " Times-Democrat " advertising notice	14 25
May	6, 1884.	P'd costs in suit 10337, U. S. C. C't *vs.* City	10 00
June	6, 1884.	Stamps 1 & 3 D. D. suits	85
Jan'y	19, 1885.	P'd H'y B. Kelley, curator *ad hoc*, 1 D. D.	250 00
Aug.	3, 1886.	P'd Thos. Duffy C. S. costs rev. proc. 1 & 4 D. D.	250 00
Dec.	7, 1886.	Costs for motions and certificates	4 90
		Total costs of court p'd by J. C. & Sons. Lim., to maintain & enforce drainage taxes	$3,297 45

Salary of Lacey & Butler and Miller & Butler, att'ys, for prof. services rendered in proceedings to maintain and enforce drainage taxes from Oct. 1, 1880, to Oct. 1, 1887, at $2,000.00 per annum, 7 years	14,000 00
Grand total	$17,297 45

E. & O. E.

F. N. BUTLER, *Of Counsel.*

Jan'y 21, 1889.

165. *Statement (Newspaper Print) of Leche, Street Commissioner, &c.*

922 Report of the commissioner public works of New Orleans, dated September 5th, 1888.

Report of the commissioner of public works.

The following is the report for the month as submitted by the department of public works:

To the honorable the mayor and common council of the city of New Orleans:

GENTLEMEN: When I had the honor to assume the charge of this department an inventory of the property delivered to me was taken and a receipt given to my predecessor. I am under many obligations to the Hon. Charles J. Villere, acting commissioner at the time of the transfer, for his courtesy in acquainting me with the business of the department.

An inspection of the condition of the city showed that my predecessor, General Beauregard, had, with the limited means at his command, placed the second and third districts of the city in very fair condition, and had built and repaired — great many bridges, including some large and costly canal bridges.

The first district was also in fair order, but the fourth, fifth, and sixth districts, owing to their large area, mud streets, and the small force at the command of the late commissioner, did not look as well as the other three districts, but showed signs of very much labor expended on them.

The drainage of the city is in a particularly deplorable condition. The area to be drained comprises about 14,450 acres, apportioned as follows:

To the Dublin avenue machine (double wheel), 6,013 acres.

To the London avenue machine (double wheel), 4,068 acres.

To the Melpomene canal machine (single wheel), 2,160 acres.

To the Bienville street machine (double wheel), 2,218 acres.

The London avenue district is further assisted by the "Orleans pump." With the exception of the London avenue station the wheels and engines are badly in need of repairs. The foundations are undermined and out of level and the cylinders all need reboring.

The reboring of the cylinders would bring about an economy in fuel and an increase in power. The capacity of these machines was tested to the fullest extent by the unprecedented rainfall of over twenty inches between the 14th and the 28th of August. The condition of affairs was further complicated by extremely high water in the lake and canals leading from the lake into the city. The Bienville and Melpomene machines were worked until they were stopped by the extremely high water behind the wheels, which drove the water over the wheels into the city. The only machine in comparatively fair condition is that at London avenue, but it is badly handicapped by the condition of the protection levees in the district which it drains. Indeed, the protection levees in all of the rear portions of the city are as bad as bad can be.

The Butler levee was built originally in 1874, and was intended for the protection of the lower limits of the city from Pontchartrain railroad to Poland street. This levee is almost entirely gone, its destruction being caused principally by the tramping of cows. Large gaps have been cut in it on Claiborne street. There is an inflow of lake water of from twelve to twenty inches deep along nearly its entire length, thus furnishing 50 per cent. of the water which has to be drained out of the district by the London avenue machine.

I reported this fact to the mayor and a quorum of the council present during the meetings of the council held for relief purposes, and I was informally authorized by the mayor and the council quorum to take proper steps to rebuild this levee and to close the gaps. I commenced work upon this levee immediately, and am now closing the gaps by planking and bracing, and will raise the levee according to the specifications in the surveyor's office. I hope to have these gaps closed by the sixth of the month, and about the 7th will begin to raise the levee to such height as will shut out the lake water. This work will result in a large saving of coal at the London avenue machine, reaching, in my mind, as high as 33 per cent., and will relieve the whole district between the Pontchartrain railroad and Poland street. In my opinion it will cost less to build and maintain the protection levees generally than to furnish rations to those unfortunates who are constantly inundated. The draining machines are — no service, no matter what their capacity and condition, if the lake waters are not kept from flowing into the city.

The coal supplied to the draining machines is, in my opinion, of the most inferior quality. I have notified the contractors of this fact by letter of Aug. 10, and I have called the attention of the mayor to this condition of affairs. For the future I beg that your honorable body will give this subject your attention and appoint a committee of experts whose judgment will settle the matter and question of quality and relieve me of what I consider a great responsibility. The contractor insists that the coal which he furnishes is in accordance with his contract. There is between us on this subject an irreconcilable difference of opinion, and it seems to me that the council is the proper authority to settle this difference.

In order to relieve and assist the Bienville draining machine I have placed a "Menge pump" and 25-horse-power engine, hired

from Mr. H. Dudley Coleman, on the New Basin levee, corner of Hagan avenue, and have found it to do extremely good work. I take the liberty of recommending that in place of the Bienville machine there be substituted a new wheel and engine built on the principle of the draining station on the Southside plantation, owned by Mr. F. W. Ames, in the parish of Jefferson, nearly opposite to this city. The workings of this machine can be witnessed by your honorable body at any time. It drains a larger area than the Bienville district with perfect satisfaction. I have in my possession the plans and specifications of this station, given me by Mr. J. W. Libby, one of the most competent, reliable, and successful planters in the State of Louisiana. Three or four machines of this type in thorough working order and of sufficient size would keep this city free from overflow by any such series of rains as we have experienced in August, however high the lake water may be in the canal.

This station was planned by Mr. Ames as the result of an extended tour made by him in Holland, which he visited for the purpose of investigating the system of drainage and drainage machines there prevalent, and, in my judgment, is of the very best type of a drainage station that can be adopted. Four of these machines can be built for $25,000 each. The old machines could remain in place until the council is thoroughly satisfied with the capacity of the new machines.

The drainage canals of the city are in a most unsatisfactory condition. From the machines to the lake they are filled with a natural growth of willows and of a variety of water grasses, to say nothing of the deposit of mud. This choking of the canals reduces their capacity to carry water fully 45 per cent., and it causes the water to back against the machines and reduces the capacity of the wheel, compelling a waste of power and consumption of coal.

The canals inside of the draining district which lead to the machines are full, some of them level with the banks and others within a foot of the banks. The material in these canals consists of slush and trash of all kinds which have flowed into them from the city gutters. If they were properly cleaned and dug out it would greatly improve the sanitary and drainage condition of the city. They would then empty the small ditches leading into them rapidly, and so act as a reservoir for the surplus rainfall, and would thereby prevent the overflows which occur in the rear of the city with every heavy rainfall.

The banks of the Carondelet canal are in a fearful condition and caused a great deal of trouble during the storm to this department. The water ran over them in sundry places from Claiborne street back to the Bayou St. John. The loss in property actually destroyed and the depreciation in the value of the real estate situated in that neighborhood, caused by the condition of the banks of this canal, are very large, and deserve the promptest action on the part of the city authorities.

My predecessors have always insisted that the obligation to maintain the levees upon the banks of this canal rests upon the canal company. The canal company claims that the obligation rests with

the city. In order to settle this controversy I have addressed a letter to the mayor requesting him to direct the city attorney to proceed by mandamus under the provisions of act No. 133 of the acts of 1888, providing a summary remedy against corporations, to compel the corporation owning the canal to put its levees in proper condition and to maintain them.

The banks of the New canal are in a condition similar to those of the Carondelet canal. From Magnolia street to very near the Half-Way House, a distance of over two miles, the levees are full of gaps, caused by the tramping of cattle and the rooting of hogs and the washing of the rains. These levees for a long distance are below the high-water line. During the late storm they gave me a great deal of trouble and required the closest attention of my entire force almost to guard them. The banks of this canal are inhabited by squatting negro families, who use these levees for cultivation, thereby softening the soil, wearing them down, and placing them in a weak and dangerous condition. A crevasse to these people is a Godsend, because then they draw rations and live on the charity of the tax-paying citizens.

I cannot impress upon the council too strongly the great damage to levees, ditches, canals, streets, and crossings produced by roaming cattle and hogs. It seems to me incredible that a few thousands of dollars,— of cattle should be allowed to put in peril the many millions of property that depend for protection upon the integrity of these back levees. The sum annually expended by the city to repair these damages and to repair the damages to streets and gutters caused by the cattle and hogs is almost more than all of the roaming cattle and hogs are worth. In my opinion until your honorable body passes some stringent measure to suppress this intolerable nuisance the small appropriation for street cleaning and ditching and levee repairs will have been spent in vain.

The garbage boats are in good order and kept according to contract, and are daily towed and emptied below the city limits. The new contractor, Mr. Forrester, is now in charge, working under his contract. A new garbage wharf is badly needed at the foot of Barracks street. The river has caved at that point, and the wharf is old and dilapidated. It is in a dangerous condition and threatens to slide off at any time. Some repairs have been made to this wharf since I came into office, but it is too far gone for repairs and should be entirely reconstructed.

The wharves are in very fair condition with the exception of one or two points, which the lessees are now working upon, but in many cases the approaches to the wharves from Lafayette street to Louisiana avenue are in a horrible condition, and hauling through them is almost impossible. In view of the early opening of the cotton season their proper repair is suggested, but with the limited means at my command, and all parts of the city crying for attention, I can only bestow a certain amount of work on these points.

Since coming into office I held an inspection of all carts then in the employ of the city and found so many of them unfitted to perform proper service that more than one-half of them were rejected

and new carts taken in their places which come up to the standard required. As all of the carts now in the city employ are efficient they are paid the sum of $2.50 a day, being the amount fixed by your honorable body. I consider the sum of $2.50 a day for a good cart to be economy as compared with $2 a day for a bad cart. We have now in the employ of the city 140 carts at an expense of $7,260 per month. This number of carts I consider absolutely necessary for the daily removal of garbage. Deducting this sum so paid for carts from my monthly allowance of $13,500 leaves only the sum of $6,240, which has to be apportioned between the payment of salaries, wages of laborers, conduct of the draining machines, construction of bridges, and purchase of lumber and other material.

This, of course, is far short of the amount actually needed to enable me to perform even the things that are absolutely necessary, and I am compelled daily to ignore many just complaints that are made to the department of public works about the condition of streets, crossings, gutters, bridges, etc. Owing to reduced appropriation I have been compelled to cut my force of laborers down to a minimum of 104 men, and upon this small body of men falls the labor of caring for the 640 miles of streets in the inhabited portions of the city.

I desire to call the attention of the council to a great abuse practiced by many individuals in the commercial part of the city, to the great obstruction of drainage and street-cleaning, who cover over the gutters with structures of various kinds, which they use virtually as warehouses, and also to the many obstructions found in the gutters by bridges and crossings built by private individuals for their own convenience. As soon as I can get time to take this matter in hand I propose to institute a vigorous campaign against all of these people and compel them to remove all such obstructions and structures in such a way that the drainage of the streets will not be interfered with; and in this work I expect the sympathy and assistance of the council, as the abuse is one of long standing, and many persons will doubtless feel very much outraged to be compelled to conform to the law.

923

I desire further to suggest to the council that in future cypress should be used instead of pine for bridge-building. In my experience the life of a pine bridge is hardly more than a year, while the life of a cypress bridge is not less than five years; and, as the cost of pine is $12 per 1,000 feet and that of cypress $16 per 1,000 feet, there is a very large economy in using cypress instead of pine for bridges. I ask the council to investigate this matter, and if they agree with me in my opinion I request that in all specifications hereafter bridge timber of cypress be called for.

All of the railroads in the city, without exception or limitation, are in default in their obligations to the city to keep the streets through which they pass in repair. My numerous notices to them have either been disregarded or so partially and inefficiently complied with as to amount to nothing. As soon as I can have prepared an accurate survey of the amount of work to be done on the line of each railroad and the number of bridges to be reconstructed and repaired I propose to put them formally in default, and if they do not comply

within a reasonable delay I shall ask the mayor to direct the city attorney to proceed against them under the provisions of the aforesaid act, No. 133 of 1888, which puts into the hands of this department a thoroughly efficacious remedy to compel these corporations to comply with their contracts to the public.

Excluding the work done on the draining machines, culverting, and necessary levee-raising and crevasse-closing brought about by the late storm, the following is a statement of the amount of the work done in this department during the month of August by my predecessor and myself, to wit:

Two thousand and seventy-six blocks of gutters cleaned, 398 blocks of streets ditched, 467 blocks of streets graded, 754 blocks of streets piled, 507 blocks of streets swept, 3,291 loads of pilings hauled, 5,789 loads of garbage hauled, 1,252 loads of ballast, brick, and shells hauled, 452 loads of debris from storm hauled, 400 loads of lumber hauled, 5 new substantial canal bridges built, 3 canal bridges repaired, 5 bridges replaced, 123 new street bridges built, 157 street bridges repaired, 285 crossings, foot laps, etc., built and repaired.

In addition we have put Howard-street plank road from First to Erato street in good repair, using the old planking from the Melpomene-street canal. The New canal bridges above referred to were erected over the Camp-street culvert, and the material used in performing this work was 107,798 feet of lumber and 4,586 pounds of spikes.

The expenditures of this department during the month were as follows:

Tools, spikes, and implements	$422 54
Coal and lumber	4,076 35
Oils for bridges, etc.	46 00
Pine wood for Orleans pump	429 01
Scrapers	200 00
Sundry bills	403 56
	$5,577 46
Officers' pay-roll	3,840 00
Street labor, carts, draining-machine pay-roll	12,588 87
Grand total	$22,006 33

Of this sum $6,535.01 was expended by my predecessor during the first seven days of the month and the balance by myself during the remaining twenty-four days.

E. T. LECHE,
Commissioner Public Works.

924 166. *Judgment of James Jackson vs. City of New Orleans, No. 11558 on the Docket of this Court, with Execution Issued Thereon and Return of Marshal.*

Circuit Court of the United States, Fifth Circuit and Eastern District of Louisiana. November Term, 1887.

NEW ORLEANS, TUESDAY, *December* 13, 1887.

Court met pursuant to adjournment.
Present: Hon. Edward C. Billings, district judge.

JAMES JACKSON
vs.
CITY OF NEW ORLEANS. } No. 11558.

This cause came on this day to be heard—present, Thomas J. Semmes, for plaintiff; Walter H. Rogers, for the defendant—when the parties in the cause filed a stipulation waiving the intervention of a jury, and thereupon the matter was taken up before the court. After hearing pleadings, evidence, and counsel for the parties respectively the cause was submitted to the court upon the issues of fact as well as of law; and the court, having considered the evidence and arguments of counsel and being fully advised in the premises, finds the issues of fact raised by the pleadings in favor of the plaintiff.

925 It is therefore ordered, adjudged, and decreed that the plaintiff, James Jackson, do have and recover of and from the defendant, The City of New Orleans, as provided by act No. 30 of 1871, as successor of the drainage commissioners established under acts 165 of 1858 and 191 of 1859 and the various acts of the Legislature of Louisiana supplementary thereto and amendatory thereof, the sum of forty-five thousand dollars ($45,000), with 8% interest from June 6, 1876, and costs of suit, both the sum recovered and costs of suit to be paid out of said drainage fund.

Judgment rendered December 13, 1887.
Judgment signed December 17, 1887.
(Signed) EDWARD C. BILLINGS, *Judge.*

Fi. Fa. Issued 30 *December*, 1887.

UNITED STATES OF AMERICA:

Circuit Court of the United States for the Fifth Circuit, Holding Sessions in and for the Eastern District of Louisiana.

The President of the United State to the marshal of the eastern district of Louisiana or his lawful deputy, Greeting:

926 You are hereby commanded to demand from the defendant, The City of New Orleans, as provided by act No. 30 of 1871, as successor of the drainage commissioners established under

acts 165 of 1858 and 191 of 1859 and the various acts of the Legislature of Louisiana supplementary thereto and amendatory thereof, the sum of forty-five thousand dollars ($45,000), with 8% interest from June 6, 1876, and costs of suit, both the sum recovered and costs of suit to be paid out of said drainage fund (clerk's costs, $15.50; attorney's fee, $10; marshal's costs, —, cash, which James Jackson lately recovered by judgment of the circuit court of the United States for the fifth circuit and eastern district of Louisiana, and if the same be not paid on demand that then you cause the same to be made out of the personal estate of the said city of New Orleans, as successor of the drainage commissioners as aforesaid, in your district, if sufficient personal estate can be found therein; but if sufficient personal estate cannot be found in your district that then you cause the same to be made out of the real estate of the said city of New Orleans, as successor of the drainage commissioners as aforesaid, in your district, and that you have those moneys before our said court to render to the said James Jackson for the judgment aforesaid on the 70th day from the date hereof, together with this writ.

Witness the Honorable Morrison R. Waite, Chief Justice of the Supreme Court of the United States, this 30 day of December, A. D. 1887, and 112 year of the Independence of the United States.

(Signed) E. R. HUNT, *Clerk.*

927 *Marshal's Return.*

Received December 30, 1887, by the U. S. marshal, and on the 3rd day of January, 1888, I made demand on The City of New Orleans, defendant herein, through the Hon. J. V. Guillotte, mayor of the said city of New Orleans, to pay the amount of judgment, interest, and costs specified in the *written* writ or to point out property subject to seizure belonging to the city of New Orleans to satisfy the same, both of which demands the said mayor failed and refused to comply with on the ground that there are no funds in the city treasury out of which this writ could be paid, in whole or in part, and the plaintiff, through his attorney, failed to point out property after due demand made to satisfy the same, and being unable myself to find property subject to seizure belonging to the defendant, The City of New Orleans, I return this writ "no property found."

New Orleans, March 8, 1888.

(Signed) R. B. PLEASANTS, *U. S. M'l,*
By JNO. E. LIVAUDAIS,
D'y U. S. M.

CLERK'S OFFICE.

I certify the foregoing judgment and execution and return thereon to be true copies from the originals on file and of record in this office.

Witness my hand and seal of said court, at the city of New Orleans, this 17th day of December, 1888.

[SEAL.] (Signed) E. R. HUNT, *Clerk.*

928 167. *Certified Copies of the Docket Entries of the Supreme Court of the State of Louisiana in No.* 4338.

Supreme Court of the State of Louisiana.

CLERK'S OFFICE, NEW ORLEANS, *February 8th*, 1888.

Extract from Fee Book No. 8.

In the matter of the commissioners of the first draining district praying for the homologation of the assessment-roll, etc., etc.

4338, $20.00.

Geo. S. Lacey, city attorney, for pet'r & Roselius & Philips; W. O. Denegre (city *appellant*).

1872.			
Oct.	31.	Filing record from the 7th dist. court for the parish of Orleans, No. 9189	$2 00
		Docketing	1 00
		Filing documents marked A & B (2)	50
May	21.	Filing motion and certificate for extension	50
		Recording on the minutes	1 00
1873.			
Febr'y	17.	Filing order to place case on S. docket	25
	24.	Called and fixed for March 14, 1873	1 00
March	7.	Filing briefs for def'ts and app'ts	1 75
	7.	Filing " for the appellant	1 75
	14.	Continued by pref.	50
	24.	Called and fixed for April 12, 1873	50
April	4.	Filing briefs for appellees	1 40
	12.	Called	50
929			
April	12.	Argued and ordered	50
		Submitted (7 days)	50
		Filing acts of Legislature marked Y	20
		Filing briefs for city	1 40
		Filing " for Davidson	1 40
	19.	Filing sup. briefs for Davidson's estate	1 40
1873.			
Dec.	12.	Final decree	1 50
		Filing opinion	25
	11.	Filing briefs on rehearing	1 75
	15.	Rehearing granted (*ex proprio motu*)	1 50
		Filing pet. for rehearing	25
		Filing motion for time and order	25
		Recording motion on the minutes	1 00
		Called and fixed for Jan'y 7th, 1873	1 00

1873.				
Dec.	26.	Filing briefs on rehearing	1	75
		Copy of opinion for Lacey, city att'y	5	00
Jan'y	3.	Filing briefs for rehearing	1	75
	7.	Filing order to submit		25
		Filing briefs for city on rehearing	1	75
		Called		50
		Submitted		50
	17.	Filing briefs on rehearing	1	75
1874.				
Feb.	9.	Final decree on reh.	1	50
		Filing opinion		25
		Recording	8	00
		Certified copy to lower court	6	60
930		Sent by Tom Hyman, d'y cl'k	$55	75
Feb.	16.	Filing writ of error		25
1875.				
July	5.	Doc's A & B delivered to Blanc, ass't city att'y, receipt on file.		
1876.				
Sept.	4.	Rec'd record per S. P. Blanc, city att'y.		
	5.	Record returned by Blanc, att'y, signed Jno. Grashoff.		
Dec.	17.	Rec'd record, signed S. B. Blanc, per C. Wesser. Record returned 30 May, 1878. Rec'd record Feb. 21, '79, signed F. N. Baker. Ret'd Mar. 26, '79.		

UNITED STATES OF AMERICA, *State of Louisiana:*

Supreme Court of the State of Louisiana.

I, George Augustin, deputy clerk of the supreme court of the State of Louisiana, holding sessions in the city of New Orleans, hereby certify the foregoing three (3) pages contain a true, full, and faithful copy of all the entries recorded in Fee Book No. 8, now in this office, in a certain suit entitled "In the matter of the commissioners of the first draining district praying for the homologation of the assessment-roll," &c., &c., which said suit is on the files of this court under No. 4338.

In testimony whereof I have hereunto set my hand and affixed the seal of this honorable court this 8th day of February, A.
931 D. 1888, and in the 111th year of the Independence of the United States of America.

[L. S.] (Signed) GEO. AUGUSTIN,
Deputy Clerk.

168. Deposition of L. J. Fremaux before examiner. Copied at page 870 of this transcript.

932 *Statement of Drainage Warrants Outstanding and Unpaid to January 1st, 1889.*

Date of warrant.	Number of warrant.	Amount outstanding.
1875—Jan'y 11	pt. 2	307 95
" "	6	2,000 00
Feb'y 10	15	2,000 00
" "	16	2,000 00
" "	17	2,000 00
" "	18	2,000 00
" "	19	2,000 00
" "	21	2,000 00
" "	22	2,000 00
" "	23*	2,000 00
" "	24	2,000 00
" "	25	2,000 00
" "	26	2,000 00
" 18	28	2,000 00
" "	29	2,000 00
March 12	32	2,000 00
" "	33	2,000 00
" "	34	2,000 00
" "	35	2,000 00
" "	pt. 37	431 58
" "	39	2,000 00
" "	40	2,000 00
" "	41	2,000 00
" "	42	2,000 00
" "	43	2,000 00
" "	44	2,000 00
" "	pt. 45	1,420 50
		48,160 03
933 Forward		48,160 03
1875—March 12	46	2,244 25
April 17	47	2,000 00
" "	48	2,000 00
" "	49	2,000 00
" "	50	2,000 00
" "	pt. 51	340 70
" "	52	2,000 00
" "	53	2,000 00
" "	54	2,000 00
" "	55	2,000 00
" "	56	2,000 00

* See last page.

Statement of Drainage Warrants Outstanding, &c.—Continued.

Date of warrant.	Number of warrant.	Amount outstanding.
1875—April 17	57	2,000 00
" "	58	2,000 00
" "	59	2,000 00
" "	60	2,000 00
" "	61	2,000 00
" "	62	2,000 00
" "	63	2,000 00
" "	64	2,000 00
" "	65	1,754 50
" 28	pt. 66	360 00
" "	67	2,000 00
March 12	69	2,000 00
" "	70	2,000 00
" "	71	2,000 00
May 8	72	2,000 00
" "	73	2,000 00
" "	74	2,000 00
Over		100,859 48
934 Forward		100,859 48
1875—May 8	75	2,000 00
" "	76	2,000 00
" "	80	2,000 00
" "	81	2,000 00
" "	82	2,000 00
" "	83	2,000 00
June 7	86	2,000 00
" "	87	2,000 00
" "	92	2,000 00
" "	93	2,000 00
" "	94	2,000 00
" "	95	2,000 00
" "	96	2,000 00
" "	97	2,000 00
" "	98	2,000 00
" "	99	2,000 00
" "	100	2,000 00
" "	101	2,000 00
" "	102	2,000 00
" "	103	2,000 00
" "	104	2,000 00
" 11	108	2,000 00
" "	109	2,000 00
" "	pt. 110	13 55

Statement of Drainage Warrants Outstanding, &c.—Continued.

Date of warrant.	Number of warrant.	Amount outstanding.
1875—June 11	111	1,000 00
" "	112	1,075 00
July 9	pt. 114	186 29
" "	115	2,000 00
Over		151,134 32
935 Forward		151,134 32
1875—July 9	116	2,000 00
" "	118	2,000 00
" "	119	2,000 00
" "	120	2,000 00
" "	121	2,000 00
" "	122	2,000 00
" "	123	2,000 00
" "	124	2,000 00
Aug't 11	134	1,000 00
" "	137	1,000 00
" "	141	2,000 00
" "	142	2,000 00
" "	144	2,000 00
" 4	145	2,000 00
Sept. 2	152	5,000 00
" "	155	2,000 00
" "	157	2,000 00
" "	160	1,000 00
" "	163	1,000 00
Oct. 2	168	2,000 00
" "	169	2,000 00
" "	170	2,000 00
" "	171	2,000 00
" "	172	2,000 00
" "	173	2,000 00
" "	174	2,000 00
" "	175	2,000 00
" "	176	2,000 00
Over		206,134 32
936 Forward		206,134 32
1875—Oct. 2	177	2,000 00
" "	178	2,000 00
" "	180	1,000 00
" 26	184	2,000 00

Statement of Drainage Warrants Outstanding, &c.—Continued.

Date of warrant.	Number of warrant.	Amount outstanding.
1875—Oct. 26	185	2,000 00
" "	186	2,000 00
" "	190	500 00
" "	191	500 00
" "	192	500 00
Nov. 10	195	2,000 00
" "	196	2,000 00
" "	197	2,000 00
" "	198	2,000 00
" "	199	2,000 00
" "	200	2,000 00
" "	201	2,000 00
" "	202	2,000 00
" "	203	2,000 00
" "	205	2,000 00
" "	206	1,000 00
" "	208	1,000 00
" "	209*	
" "	210	500 00
" "	211	500 00
" "	212	500 00
" "	214	500 00
" 19	216	2,000 00
" "	218	1,999 75
Dec. 2	220	2,000 00
Over		248,634 07
937 Forward		248,634 07
1875—Dec'r 2	221	2,000 00
" "	222	2,000 00
"	223	2,000 00
"	224	2,000 00
"	225	2,000 00
"	226	2,000 00
"	227	2,000 00
"	228	2,000 00
"	229	2,000 00
"	230	500 00
"	231	500 00
"	232	500 00
"	233	500 00
"	237	500 00
"	238	2,000 00

* See last page.

Statement of Drainage Warrants Outstanding, &c.—Continued.

Date of warrant.	Number of warrant.	Amount outstanding.
1876—Jan'y 7th	240	2,000 00
" "	241	2,000 00
" "	242	2,000 00
" "	243	2,000 00
" "	244	2,000 00
" "	245	2,000 00
" "	246	2,000 00
" "	247	2,000 00
" "	248	2,000 00
" "	249	2,000 00
" "	251	2,000 00
Feb'y 5	254	2,000 00
" "	255	2,000 00
Over		295,634 07
938 Forward		295,634 07
1876—Feb'y 5	256	2,000 00
" "	257	2,000 00
" "	258	2,000 00
" "	259	2,000 00
" "	260	2,000 00
" "	261	1,000 00
" "	262	1,000 00
" "	264	500 00
" "	265	500 00
M'ch 7	268	2,000 00
" "	269	2,000 00
" "	270	2,000 00
" "	271	2,000 00
" "	272	2,000 00
Ap'l 4	275	2,000 00
" "	276	2,000 00
" "	278	2,000 00
" "	279	2,000 00
" "	280	2,000 00
" "	281	1,000 00
" "	282	1,000 00
" "	283	1,000 00
" "	284	1,000 00
" 25	287	2,000 00
" "	288	2,000 00
" "	289	2,000 00
" "	290	2,000 00

Statement of Drainage Warrants Outstanding, &c.—Continued.

Date of warrant.	Number of warrant.	Amount outstanding.
1876—Ap'l 25	291	2,000 00
Over		342,634 07
939 Forward		342,634 07
1876—April 25	292	1,000 00
" "	pt. 295	117 40
May 22	299	500 00
" "	300	500 00
" "	301	500 00
" 30	303	2,000 00
" "	304	2,000 00
" "	305	2,000 00
" "	306	2,000 00
" "	307	2,000 00
" "	308	2,000 00
" "	309	2,000 00
" "	310	2,000 00
" "	311	2,000 00
June 6	313	10,000 00
" "	314	10,000 00
" "	315	10,000 00
" "	316	10,000 00
" "	317	10,000 00
" "	318	10,000 00
" "	319	10,000 00
" "	320	10,000 00
" "	321	10,000 00
" "	322	10,000 00
" "	323	5,000 00
" "	324	5,000 00
" "	325	5,000 00
" "	326	5,000 00
Over		483,251 47
940 Forward		483,251 47
1876—June 6th	327	5,000 00
" "	328	5,000 00
" "	329	5,000 00
" "	330	5,000 00
" "	331	5,000 00
" "	332	5,000 00
" "	333	5,000 00

Statement of Drainage Warrants Outstanding, &c.—Continued.

Date of warrant.	Number of warrant.	Amount outstanding.
1876—June 6th	334	5,000 00
" "	335	5,000 00
" "	336	5,000 00
" "	337	5,000 00
" "	338	5,000 00
" "	339	5,000 00
" "	340	5,000 00
" "	341	5,000 00
" "	342	5,000 00
" "	343	2,000 00
" "	344	2,000 00
" "	345	2,000 00
" "	346	2,000 00
" "	347	2,000 00
" "	348	2,000 00
" "	349	2,000 00
" "	350	2,000 00
" "	351	2,000 00
" "	352	2,000 00
" "	353	2,000 00
" "	354	2,000 00
Over		587,251 47
941 Forward		587,251 47
1876—June 6	355	2,000 00
" "	356	2,000 00
" "	357	2,000 00
" "	358	2,000 00
" "	359	2,000 00
" "	360	2,000 00
" "	361	2,000 00
" "	362	2,000 00
" "	363	2,000 00
" "	364	2,000 00
" "	365	2,000 00
" "	366	2,000 00
" "	367	2,000 00
" "	368	2,000 00
" "	369	2,000 00
" "	370	2,000 00
" "	371	2,000 00
" "	372	2,000 00
" "	373	2,000 00

Statement of Drainage Warrants Outstanding, &c.—Continued.

Date of warrant.	Number of warrant.	Amount outstanding.
1876—June 6	374	2,000 00
" "	375	2,000 00
" "	376	2,000 00
" "	377	2,000 00
" "	378	2,000 00
" "	379	2 000 00
" "	380	2,000 00
" "	381	2,000 00
" "	382	2,000 00
Over		643,251 47
942 Forward		643,251 47
1876—June 6	383	2,000 00
" "	384	2,000 00
" "	385	2,000 00
" "	386	2,000 00
" "	387	2,000 00
" "	388	2,000 00
" "	389	2,000 00
" "	390	2,000 00
" "	391	2,000 00
" "	392	2,000 00
" "	393	2,000 00
" "	394	2,000 00
" "	395	2,000 00
" "	396	2,000 00
" "	397	2,000 00
" "	398	2,000 00
" "	399	2,000 00
" "	402	2,000 00
Total		$679,251 47
Feb'y 10, '75	pt. 23	1,800 00
Nov. 10, '75	pt. 209	57 15
		$681,108 62

The above statement is made by me and is correct, the same being in accordance with the drainage warrant book of the city of New Orleans.

(Signed) L. LAROQUE,
Book-Keeper, Bureau of Drainage.

943 Warrants 313 to 392, inclusive, issued June 6, 1876, as shown on above list, and aggregating $300,000, were issued to W. Van Norden under ordinance 3539 and under the act of transfer to the city of date June 6, 1876, and warrants 393 to 402, inclusive, were issued to said Van Norden under said act of transfer.

And it is agreed that plaintiff may now offer the above list of warrants outstanding issued after January 1, 1875, defendant not objecting to the time of offering this statement, nor to its form or correctness as to facts as shown therein, but objecting that said statement is irrelevant.

New Orleans, Feb'y 26, 1888.

(Signed) E. D, SAUNDERS,
Of Counsel for Def't.
R. DE GRAY,
For Complainant.

944 170. Pleadings and court proceedings in the cases: John Crossley Sons, Limited, *vs.* City of New Orleans, No. 9384; The State *ex rel.* John Crossley Sons, Limited, *vs.* The City of New Orleans, No. 9935, and John Crossley Sons, Limited, *vs.* City of New Orleans, No. 10337.

Proceedings in No. 9384.

Petition filed April 18, 1881.

To the honorable the judges of the United States circuit court, holding sessions in and for the fifth circuit, eastern district of Louisiana:

The petition of "John Crossley & Sons, Limited," a commercial concern established by articles of association bearing date November 18, 1864, under the joint stock company act of England, passed in the year 1862, having its domicil or principal place of business at Halifax, England, and the said company and all of its stockholders being aliens to the United States, respectfully represents—

That the city of New Orleans, a municipal corporation chartered by the laws of the State of Louisiana and a citizen thereof, located in the parish of Orleans, in said State, is justly and truly indebted unto your petitioners in the sum of four hundred and thirty-six thousand seven hundred and eighty-two $\frac{55}{100}$ dollars, with interest, as hereinafter claimed, for this, to wit:

945 That in the year 1871 the State of Louisiana, with a view to provide for the drainage of the aforesaid city of New Orleans, duly made and passed a certain act known and designated as act No. 30 of the sessions of the General Assembly of said State for the year 1871, as will more fully and at large appear from the said act published in the session laws for the year aforesaid, page 65 *et seq.*, and to which, for greater certainty, your petitioners respectfully refer your honors.

Further they show that in and by the act aforesaid the character and extent of the work were prescribed; the measurement of such

contemplated work, the way and means of raising funds for the payment thereof, and the manner of making payment were duly provided for, and the Mississippi and Mexican Gulf Ship Canal Company was authorized and empowered to commence, construct, and complete the work aforesaid in accordance with the enactments and provisions of the aforesaid statute No. 30.

And your petitioners further show unto your honors that section 8 of the act aforesaid reads as follows:

"That at the end of every month it shall be the duty of the city surveyor of New Orleans, or an engineer appointed by the board of administrators for that purpose, to examine the work done by the said Mississippi and Mexican Gulf Ship Canal Company during said month and upon the measurement of the width and depth of canal, canals, or parts of canals dug and protection levees built, certify as to the number of cubic yards excavated and the number of cubic yards of protection levees built during the said month. It shall be the duty of the administrator of accounts, on the presentation to him of the certificate of the city surveyor or engineer
946 appointed by the board of administrators by the president of the said Mississippi and Mexican Gulf *and* Ship Canal Company, to draw a warrant or warrants on the administrator of finance in payment for the work so done, at the rate of 50 cents per cubic yard of excavation and 50 cents per cubic yard for the protection levee, the said warrants to be of such denomination as may be required by the president of said company. These warrants it shall be the duty of the administrator of finance to pay on presentation to him, in case there be any funds in the city treasury, to the credit of the said Mississippi and Mexican Gulf Ship Canal Co.; but should there not be sufficient funds to cash the said warrant or warrants, then the administrator of finance is hereby required to endorse upon the same the date of presentation, after which date the said warrant or warrants shall bear interest at the rate of eight per cent. per annum until paid, which condition shall be set forth in the form of said warrant or warrants."

Further they show that a large number of drainage warrants, particularly designated and referred to in the accompanying exhibit, marked A, amounting to $214,208.80, were issued under and in strict conformity to the provisions of the aforesaid section of act No. 30 of the year 1871, and that the same are now owned by and are in the actual possession of your petitioners as pledgees of the Louisiana Savings Bank and Safe Deposit Company, having been acquired by petitioners in due course of business for valid consideration and in good faith, as your petitioners will show upon the trial of this cause.

That certain other drainage warrants, particularly des-
947 ignated and referred to in the accompanying Exhibit B, amounting in the aggregate to $52,573.75, were issued under and in strict conformity to the provisions of the aforesaid section 8 of act 30 of the year 1871, and that the warrants last aforesaid are now owned by and are in the actual possession of your petitioners, they

having acquired the same in due course of business for a valid consideration and in good faith.

And your petitioners further show unto your honors that in the year 1876 an act was passed by the General Assembly of the State of Louisiana, and approved by the Governor of that State February 24, 1876, authorizing the city of New Orleans to assume exclusive control of all drainage work theretofore agreed to be done and performed by the Mississippi and Mexican Gulf Ship Canal Company in the drainage districts of the said city of New Orleans, and to purchase from the aforesaid company and its transferee, Warner Van Norden, all the rights, franchises, and privileges created by act No. 30 of 1871, and all tools, implements, machines, boats, and apparatus belonging to the said company or its aforesaid transferee and by it or him used for or pertaining to drainage work authorized to be done by the aforesaid act No. 30, as will more fully and at large appear from the said statute, known and designated as act No. 16 of the sessions of the General Assembly of the State of Louisiana for the year 1876, published in the Session Laws of that year, pages 35 and 36, and to which, for greater certainty, your honors are respectfully referred.

That in and by the act last aforesaid the city of New Orleans, in consideration of such sale and conveyance to her, was
948 authorized and required to issue her certain warrants drawn by the administrator of public accounts of the said city upon the administrator of finance of the city of New Orleans, and which said warrants were to be made payable to the Mississippi and Mexican Gulf Ship Canal Company or Warner Van Norden, transferee, and to his order.

Further, your petitioners show unto your honors that on the 7th day of June, A. D. 1876, the aforesaid company and its said transferee, by an authentic act duly made and executed before G. Le Gardeur, notary public of the parish of Orleans, sold, assigned, transferred, and conveyed to the city of New Orleans in her own right all and singular the rights, privileges, and franchises acquired by them under the aforesaid act No. 30; also certain dredge-boats and derricks, together with the machinery, engines, tackel, apparel, and appurtenances, and, finally, certain other property, articles, and effects, and that in consideration of such sale to the city of New Orleans the said corporation issued to the aforesaid company or its transferee certain warrants drawn by the administrator of accounts of said city, recognized and endorsed by the administrator of finance thereof to the extent of $300,000.00, bearing interest, as will more fully and at large appear from the authentic act aforesaid, and to which, for greater certainty, your petitioners respectfully refer the court.

And furthermore they show that they are the owners and in the actual possession of a certain portion of the warrants hereinabove last referred to, amounting in the aggregate to the sum of $120,000, having acquired the same in due course of business for
949 an adequate consideration and in good faith; that the warrants last aforesaid are particularly designated in Exhibit C hereunto annexed and made a part hereof, and your petitioners,

for greater certainty, respectfully refer your honors to the same and to the warrants therein listed.

That your petitioners also hold and own certain other drainage warrants, amounting to $50,000.00 or thereabouts, issued at the same time and acquired by petitioners under the same circumstances as the warrants aforesaid for $120,000.00; that your petitioners are unable at the present time to designate the warrants for $50,000.00 or thereabouts by numbers or amounts, but that if required so to do by the said defendants petitioners will hereafter file an exhibit fully disclosing such identity.

That upon the execution of the authentic act aforesaid the city of New Orleans took into her possession and has converted to her own exclusive use and benefit all the property and effects and the thing transferred and conveyed to her as aforesaid, never having returned the same, nor offered to return the same, nor any part or portion thereof to the said company, its transferee, or any person or party whomsoever, as your petitioners will fully show upon the trial of this cause.

And your petitioners further show unto your honors that, in addition to the independent obligation and liability of the city, your petitioners have the cumulative right to be paid all of the aforesaid warrants held by your petitioners as aforesaid out of the drainage tax now due and uncollected in the said city, amounting to a sum in excess of seven hundred thousand dollars ($700,000); that
950 in and by the provisions of legislative act No. 30 of the sessions of 1871 hereinabove referred to, and in and by the stipulations and conditions found and contained in the aforesaid authentic act of June 7, 1876, it was and is now the duty of the said city of New Orleans to collect said tax and to apply the same or the proceeds thereof to the extinguishment and payment of the warrants held by your petitioners; that the city of New Orleans and the mayor and administrators thereof during the month of April, 1881, and prior thereto have arbitrarily and unlawfully refused and do now refuse to collect said tax for the purpose of paying the aforesaid warrants or for any other purpose, and have gone so far as to counsel, advise, and influence the drainage-tax debtors not to pay any part or portion of the drainage assessment lawfully imposed and levied upon their property, and that by reason and on account of the illegal conduct of the said city and the municipal officers aforesaid the collection of the aforesaid drainage tax has been entirely prevented, and your petitioners have sustained a loss and damage to the full extent of the warrants held and owned by them as aforesaid, principal and interest.

Aver an amicable demand and refusal to pay.

The premises considered, your petitioners pray that the city of New Orleans may be cited to appear and answer this petition; that in due course of law she may be condemned to pay unto your petitioners the sum of four hundred and thirty-six thousand seven hundred and eighty-two $\frac{55}{100}$ dollars—$436,782.55—the face amount of the aforesaid drainage warrants, together with the interest at the

rate, from the dates, and in the amount called for and pre-
951 scribed therein, and that your petitioners may have such other and further order, judgment, and decree as may be suited to law and the nature of this case, together with the costs of this suit in that behalf expended.

LACEY & BUTLER,
Attorneys for John Crossley & Sons, Limited.

Exception for Oyer. Filed May 11, 1881.

To the hon. the judges of the United States circuit court for the fifth circuit and district of Louisiana:

JOHN CROSSLEY & SONS, Limited,
vs.
CITY OF NEW ORLEANS. } No. 9384.

And in this hon. court, through undersigned attorneys, appears the defendant herein, The City of New Orleans, and, reserving the benefit of all exceptions, pleas, or answer that may be made herein and without in any manner pleading to plaintiff's petition, says that before so pleading or answering she is entitled to oyer and inspection of each and every one of the pretended drainage warrants in which this suit is founded, as set forth in plaintiff's petition
952 and the exhibits thereto annexed.

Wherefore defendant respectfully prays that this prayer for oyer of the warrants sued on be granted; that plaintiff be ordered to file same within a *delay* to be fixed by this court, and in default thereof that this suit be dismissed, and she prays for general relief, &c.

C. F. BUCK, *City Att'y.*
WYNNE ROGERS, *Of Counsel.*

Supplemental and Amended Petition. Filed May 21, 1881.

JOHN CROSSLEY SONS, Limited,
vs.
CITY OF NEW ORLEANS. } No. 9384.

To the honorable the judges of the United States circuit court, eastern district of Louisiana:

The amended and supplemental petition of Jno. Crossley and Sons, Limited, respectfully represents—

That in the original petition herein filed your petitioners have prayed that the city of New Orleans be condemned to pay unto your petitioners the sum of four hundred and thirty-six thousand
953 seven hundred and eighty-two $\frac{55}{100}$ dollars, the face amount of the aforesaid drainage warrants, together with interest at the rate, from the dates, and in the amount provided for therein.

That your petitioners are desirous of enlarging the prayer of the said petition by adding thereunto the following:

"And in case of a failure on the part of your petitioners to have and recover the judgment hereinabove prayed for, in whole or in part, then and in that event the city of New Orleans may be ordered, adjudged, and decreed to pay into the hands of the administrator of finance of said city out of the aforesaid claim for $436,782.55 such sum as the court may refuse to compel the said city to pay directly to your petitioners in order that the same may be applied by the aforesaid administrator *pro tanto* to the payment and extinguishment of the drainage warrants held by your petitioners, and that failing, to the extinguishment of drainage warrants, as prescribed by section 8, act 30, 1871, and act 16 of 1876."

The premises considered, your petitioners pray that the assessment aforesaid may be allowed; that defendant be duly cited to answer this amended petition, and that judgment may be entered in conformity to the prayer of the orginal petition and the amendments thereto hereinabove set forth.

Petitioners further pray for general relief in the premises.

LACEY AND BUTLER,
Attorneys for John Crossley & Sons, Limited.

Let the within amended and supplemental petition be allowed and filed.

New Orleans, May 21st, 1881.

(Signed) EDWARD C. BILLINGS, *Judge.*

954 *Motion for Oyer Overruled.*

Extract from the Minute Book, April term, 1881.

NEW ORLEANS, *June* 17, 1881.

Court met pursuant to adjournment.

Present: Hon. Don A. Pardee, circuit judge.

JNO. CROSSLEY & SONS
vs.
CITY OF NEW ORLEANS. } No. 9384.

Upon the motion of Lacey & Butler, attorneys for the plaintiffs herein, it was ordered that the defendant'- motion for oyer be overruled, and that said defendant have one week in which to answer.

Exception. Filed June 25, 1881.

To the hon. the judges of the circuit court of the United States for the fifth circuit and eastern dist. of La:

JNO. CROSSLEY & SONS, Limited,
vs.
CITY OF NEW ORLEANS. } No. 9384.

955 And now appears The City of New Orleans, defendant herein, through undersigned counsel, and, reserving all other means

of exception and defense, peremptorily excepts to plaintiff's petition on the ground that it discloses no cause of action.

Wherefore she prays that this exception be maintained and plaintiff's suit dismissed at their costs, and for general relief, etc.

C. F. BUCK *City Att'y.*
WYNNE ROGERS, *Of Counsel.*

Supplemental Petition. Filed Nov. 19, 1881.

JOHN CROSSLEY & SONS, L'd,
vs.
THE CITY OF NEW ORLEANS. } No. 9384.

To the honorable the judges of the United States circuit court, holding sessions in and for the 5th circuit, eastern district of Louisiana:

The supplemental and amended petition of John Crossley & Sons, L'd, respectfully represents—

That at the time of the commission by the city of New
956 Orleans of the illegal and tortious acts and doings referred to in and disclosed by the original petition of your petitioners, herein filed, the said city was indebted in an amount exceeding two hundred and fifty thousand dollars for drainage assessments levied and imposed by law; that certain citizens and property-owners of said city were also indebted for their drainage tax in a much larger amount, and that it was the lawful and bounden duty of said corporation, in enforcing and carrying out certain peremptory statutes of the State of Louisiana for that purpose specially made and passed and in conformity to the contract referred to in the original petition, to have paid promptly its own indebtedness as aforesaid and to have enforced a prompt and vigorous collection of the drainage assessments levied and imposed by law upon other parties for the purpose of paying certain drainage warrants then and now owned by your petitioners and others.

Further, your petitioners show that the wrongs and offenses above referred to were done and committed by the said city, among other improper motions, for the unjust and illegal purpose of evading the payment of a just debt and to enrich itself at the expense of petitioners and others; furthermore, to influence the drainage-tax debtors aforesaid not to comply with certain obligations and duties resting upon and required of them as good and law-abiding citizens of the State of Louisiana, and that the conduct of the said city in the premises was fraudulent, malicious, grossly negligent, and oppressive towards your petitioners and other innocent and *bona fide*
957 holders of drainage warrants issued under and by virtue of the laws of the State of Louisiana duly made and passed.

Further, your petitioners show that by reason of the malicious, grossly negligent, and oppressive conduct of said city as aforesaid your petitioners have sustained a loss and injury to the extent of at least $500,000.

Wherefore they pray for leave to file this their supplemental and

amended petition, and, leave being granted, they further pray that defendant may be cited to appear and answer the same, and that they may have and recover a judgment against said city of New Orleans, in addition to that demanded in the original petition and the first supplemental petition, in the sum of $500,000, with interest, costs, and general relief in the premises.

LACEY & BUTLER, *Attorneys.*

Order.

Let the within amended and supplemental petition be allowed and filed.

New Orleans, November 19th, 1881.

(Signed) EDWARD C. BILLINGS, *Judge.*

Exception to Amended and Supplemental Petition. Filed Dec. 1st, 1881.

958 JNO. CROSSLEY & SONS, L'd, *vs.* THE CITY OF NEW ORLEANS. } No. 9384.

To the hon. the judges of the circuit court of the United States for the fifth circuit and eastern dist. of La.:

And now appears the defendant, The City of New Orleans, and, reserving the benefit of all other means of exception and defences, it excepts to the amended — supplemental petition herein filed on the 19th Nov., 1881, on the grounds, to wit:

1st. That the allegations in said amended and supplemental petition are too vague and indefinite to enable this appearer with safety to plead thereto.

2nd. That acts or pretended illegal or malicious acts of the city in which the pretended demand for damages is founded are stated in too loose, general, and indefinite a manner to enable defendant to answer.

3rd. That said petition, if in other respects sufficiently specific, *it* discloses no cause of action.

Wherefore appearer prays that this exception be sustained and said amended and supplemental petition stricken from the record and dismissed or ordered to be amended within a delay to be fixed by the court; and, as in duty bound, &c.

C. F. BUCK, *City Att'y.*
WYNNE ROGERS, *Of Counsel.*

959 *Proceedings in No. 9935.*

Transcript from civil district court. Filed April 22, 1882.

STATE OF LOUISIANA:

Civil District Court for the Parish of Orleans.

STATE OF LOUISIANA *ex Rel.* JOHN CROSSLEY & SONS, Limited,
vs.
CITY OF NEW ORLEANS. } No. 4890.

Petition. Filed Dec. 28, 1881.

To the honorable the judges of the civil district court for the parish of Orleans, State of Louisiana:

The State of Louisiana upon the relation of Jno. Crossley and Sons, Limited, a commercial concern established by articles of association bearing date November 18, 1864, under the joint-stock company act of England, passed in the year 1862, having its domicil or principal place of business at Halifax, England, and the said company and each and every one and all of the stockholders being aliens to the United States and subjects of the Kingdom of Great Britain
960 and Ireland, bring this their suit against the city of New Orleans, a municipal corporation established and created by the laws of the State of Louisiana, within the parish of Orleans, State aforesaid, and a citizen of the said State and of the United States; and your petitioners and relators show—

That heretofore, to wit, on or about the year 1858, a certain act was passed by the General Assembly of the State of Louisiana to provide for leveeing, draining, and reclaiming swamp lands in certain portions of the parish of Orleans and Jefferson, and that in and by said act three separate and independent drainage sections were established, known as the first, second, and third drainage districts, *were established, known as the first, second, and third drainage districts,* and a board of commissioners provided for in each district; that the said boards were duly authorized and required to levy such uniform assessments upon the superficial or square foot of land situated within the drainage section or district of each board as might be necessary to defray the expense of constructing levees, machinery, canals, and other works necessary for carrying out the provisions of the aforesaid statute.

That for the purpose of more effectually providing for the drainage of the city of New Orleans the State of Louisiana, in and by a certain act of the Legislature of said State, known as act No. 30, passed at a session thereof held in the year 1871, authorized and required the formation of a new and additional drainage district, now known and designated as the fourth drainage district, and authorized and required the levy of a drainage tax upon all the property

lying within such new or additional section and against the owner and owners thereof.

961 And your petitioners and relators further show unto your honors that the city of New Orleans, being the owner of property lying within each of the four districts aforesaid, under and by virtue of act 165 passed in the year 1858 and act 30 of 1871, was assessed in an amount exceeding three or four hundred thousand dollars, as will more fully appear from the assessment-rolls of the several districts aforesaid, which, or extracts from which, your petitioners and relators will introduce upon the trial of this cause.

That the tableaux or assessment-rolls aforesaid have been duly homologated and approved by courts of competent jurisdiction, and by such homologation and approval final judgments have been rendered against the city of New Orleans for the amount of the drainage assessments levied and imposed as aforesaid, together with ten per cent. commission, 6 per cent. interest, and costs.

That your petitioners and the relators aforesaid have caused to be served on William E. Huger, administrator and auditor of public accounts of said city, a certified copy of the petition for the homologation of the drainage-tax tableaux or assessment-rolls of the several drainage districts aforesaid and of the several judgments aforesaid homologating and approving the same and condemning the city of New Orleans to pay such assessments, together with a certificate of the clerk showing that no answer or opposition to the assessment or claim aforesaid was filed by the said city, and that the several judgments against her as aforesaid have been and are final and executory.

962 That at the time of serving the administrator of public accounts with the documents aforesaid relators requested the said administrator of public accounts to have the aforesaid judgments against the city of New Orleans and the extract from the assessment-roll showing the amount of her monied liability as a drainage-tax payer registered in conformity to act 5 of the General Assembly of La. for the year 1870, and to make due provision for the prompt payment of such judgments through the municipal budget and the budget tax, in strict conformity to the provisions of that statute.

That, as payment of the aforesaid judgments, through the budget and the budget tax, will subject relators to great and unjust delay in realizing their money, the municipal authorities of New Orleans, with a view to an early payment of said judgments by said city, were requested by relators, in addition to the registry and the budget tax aforesaid, to levy, impose, and collect without delay a special tax sufficient to pay off and extinguish said judgments, principal, interests, and costs.

Furthermore, your petitioners and relators show unto your honors that defendants have refused to comply with relators' and petitioners' most reasonable demand and have declared their intention to refuse and resist the collection and payment of the drainage tax and the drainage-tax judgments, hereinabove particularly referred to.

Further, they show that relators, as owners and pledgees, are in the actual possession of drainage warrants issued under and by virtue of act 30 of 1871 and act 16 of 1876; that the indebtedness of the city of New Orleans as a drainage-tax debtor has by
963 law been set aside as a special fund for the payment of the warrants so held by petitioners, and that relators have the legal right to enforce collection of such indebtedness and to apply the amount collected to the payment of the drainage warrants to an am't in excess of $380,000.00, as authorized and prescribed by law, there being no other person or persons authorized by law to protect their rights in the premises.

Wherefore your petitioners pray that a writ of alternative mandamus may issue, directed to the city of New Orleans, Jos. A. Shakspeare, mayor; Blaney T. Walshe, administrator of finance; Jno. Fitzpatrick, administrator of improvements; William Fagan, administrator of commerce; J. V. Guillotte, administrator of water works and public buildings; George Delamore, administrator of assessments; W. E. Huger, administrator of accounts; P. O. Meallie, administrator of police, all of the city of New Orleans; and that therein and thereby the said W. E. Huger, administrator of public accounts, may be commanded and required without delay to register the several judgments against the city of New Orleans aforesaid in strict conformity to the provisions of act 5 of 1876, together with extracts from the assessment-roll aforesaid or some certificate, statement, or exhibit particularly showing the amount of the indebtedness of the city of New Orleans under such judgments.

That in and by the alternative writ of mandamus aforesaid the several defendants to this suit may be condemned and required to budget the aforesaid judgments and to provide for their payment in accordance with law through a budget tax to be levied
964 and imposed in accordance with the aforesaid statute and with the law in such cases made and provided.

That as a very great delay will attend the collection of the budget tax and the payment of the aforesaid judgments in that manner, that they, the said defendants, and each and every one of them, in and by the alternative writ aforesaid, may be commanded and required, in addition to the aforesaid budget tax, to levy at the same time a special tax upon all property situated within the corporate limits of the city of New Orleans liable to taxation sufficient in amount to pay the aforesaid judgments, principal, interest, commission, and costs, after making an allowance of twenty per cent. for deficiencies in collection, and to collect said tax and pay over the monies realized from such collection without unreasonable delay and in accordance with the law in such cases made and provided, or show cause to the contrary at such time and place as may be fixed upon by your honors.

That the aforesaid alternative writ of mandamus in due course of law may be made peremptory and absolute, and that relator and petitioner may have such other and further judgments, order, and decree as is suited to law and the nature of the case.

(Signed) LACEY & BUTLER,
70—1234 *Att'ys for John Crossley & Sons, L'd.*

Affidavit.

STATE OF LOUISIANA,
City of New Orleans.

Civil District Court.

965 STATE OF LOUISIANA *ex Rel.* JNO. CROSSLEY & SONS, Limited,
vs.
CITY OF NEW ORLEANS.

Frank N. Butler, one of the attorneys of John Crossley and Sons, Limited, being duly sworn, doth depose and say that he has read the foregoing petition and knows the contents thereof, and that the facts, allegations, and averments set forth and contained therein are true.

Further, he says that the said John Crossley & Sons, Limited, are beyond the jurisdiction of the State of Louisiana, and for that reason this affidavit is made by deponent and not by the said John Crossley & Sons, Limited.

And, finally, he says that this affidavit is made to the best of deponent's knowledge, information, and belief.

(Signed) FRANK N. BUTLER.

Sworn to and subscribed before me this 28th day of Dec'b'r, A. D. 1881.

(Signed) H. MIESTER, *D'y Cl'k.*

Order.

Let an alternative writ of mandamus issue as within prayed for and in accordance with law, returnable before this court on Friday, the 13th day of January, 1882.

New Orleans, December 31, 1881.

(Signed) A. L. TISSOT, *Judge.*

966 *Writ. Issued Jan'y* 5, 1882.

STATE OF LOUISIANA:

Civil District Court for the Parish of Orleans.

State of Louisiana to the city of New Orleans, through its mayor, Jos. A. Shakspeare, and to W. E. Huger, administrator of accounts of the city of N. O., Greeting:

STATE *ex Rel.* JOHN CROSSLEY & SONS, Limited,
vs.
CITY OF NEW ORLEANS. } 4890.

You are hereby commanded in the name of the State of Louisiana and of the civil district court for the parish of Orleans to comply

with the demand of the relators herein as contained in the petition, a copy of which accompanies this writ and is made part hereof, or show cause to the contrary on Friday, the 13th day of January, 1882, at 11 o'clock a. m.

Witness the Honorables A. L. Tissot, W. T. Houston, F. A. Monroe, N. H. Rightor, Henry L. Lazarus, judges of our said court, this 5th day of January, in the year of our Lord one thousand eight hundred and eighty-two, and in the one hundred and sixth year of the Independence of the United States.

[SEAL.] (Signed) E. A. LUMINAIS, *D'y Clerk.*

967 *Return to Writ.*

Rec'd January 5th, 1882, and on the 5th day of January, 1882, I served a copy of within writ, mandamus, and accompanying copy of petition personally on W. E. Huger, adm'r of public accounts herein named.

Ret. same day.

(Signed) J. E. SIEKFORT, *D'y Sh'ff.*

And on the 6th day of January, 1882, I served a copy of the within writ of mandamus and accompanying petition on The City of New Orleans, defendants herein, through Jos. A. Shakspeare, mayor, in person.

Ret. same day.

(Signed) J. E. SIEKFORT, *D'y Sh'ff.*

Intervention of Geo. A. Hero. Filed Jan'y 12, 1882.

STATE OF LA. *ex Rel.* JNO. CROSSLEY & SONS, Limited,
vs.
CITY OF NEW ORLEANS. } 4890.

Now comes and appears Geo. A. Hero, of this city, and prays to be permitted to intervene on his own behalf and oppose the application herein made by the relators, and for cause avers—

968 That he is owner of real estate in the city of New Orleans subject to taxation; that his annual tax upon real estate in the said city and parish of Orleans for the year 1881 amounted to $261.80 upon an assessed valuation of $14,670; that he has paid the said tax and owes the city of New Orleans nothing, all of which will more fully appear by reference to the receipt for said city taxes, together with the acceptance of the properties upon which the same were due and owing, hereto annexed and made part hereof.

Your intervenor does further aver that all the property by him owned and described in said tax bill has paid the drainage tax assessed under and by virtue of the revenue laws of the State, and, in accordance with said laws, the same is free from taxes for drainage.

Intervenor further avers that the relator herein seeks by this pro-

ceeding to impose another and double or duplicate tax indirectly upon your intervenor for the payment of his purported drainage-tax warrants, in violation of law and in violation of right of your petitioner, and that his said application is absolutely illegal and should be decreed null and void.

Wherefore your intervenor prays this his intervention may be allowed and that he may join the defendant in such defense as he may make herein, and that after due proceedings that the prayer of the relator be denied and his application be dismissed with costs.

(Signed) W. S. BENEDICT,
Att'y for Intervenor.

969 *Order.*

Let this petition of intervention be allowed as herein prayed for and according to law.

New Orleans, January 12, 1882.

(Signed) A. L. TISSOT, *Judge.*

Petition for Removal. Filed Jan'y 12, 1882.

STATE OF LA. *ex Rel.* JNO. CROSSLEY AND SONS, Limited,
vs.
CITY OF NEW ORLEANS. } No. 4890.

To the honorable the judge of the civil district court, parish of Orleans, holding sessions in and for division A:

The petition of John Crossley & Sons, Limited, respectfully shows—

That your petitioner is a commercial concern, established by articles of association bearing date Nov. 18, 1864, under the joint-stock company act of England, passed in the year 1862, having its domicile or place of business at Halifax, England, and the said company and each and every one of its stockholders, officers, and members being aliens to the United States and subjects of the Kingdom of Great Britain and Ireland, where they reside.

That the matter and amount in dispute in the above-en-
970 titled suit exceeds, exclusive of costs, the sum or value of five hundred dollars.

That the controversy in said suit is between citizens of different States, and that at the time of the commencement of this suit petitioners were and still are aliens and subjects of the Kingdom of Great Britain and Ireland, and that the city of New Orleans and each and every one and all of the defendants in this suit were then and now are citizens of the State of Louisiana.

And your petitioners offer herewith a bond, with good and sufficient security, for their entering in the circuit court of the United States for the eastern district of Louisiana on the first day of its next session a copy of the record in this suit and for paying all costs that may be awarded by the circuit court if said court shall hold that this suit was wrongfully or improperly removed thereto.

And your petitioners pray this honorable court to proceed no further herein except to make the order of removal required by law, to accept the said bond and surety, and to cause the record herein to be removed into said circuit court of the United States in and for the eastern district of Louisiana.

And petitioners, as in duty bound, will ever pray, &c.

(Signed) LACEY & BUTLER,
Att'ys for Petitioners.

Order for Removal.

Considering the foregoing petition and the bond tendered
971 therewith by petitioner, and which bond is hereby approved and accepted, let this proceeding and controversy and every matter and thing appertaining thereto and connected therewith be removed for further proceedings and trial to the circuit court of the United States for the eastern district of Louisiana, as prayed for in said petition and according to law.

New Orleans, January 12, 1882.

(Signed) A. L. TISSOT, *Judge.*

Bond for Removal. Filed Jan. 12, 1882.

STATE *ex Rel.* JNO. CROSSLEY & SONS, L'd,
vs.
THE CITY OF NEW ORLEANS. } 4890, Div. A.

Know all men by these presents that we, John Crossley & Sons, Limited, as principal, and Oscar J. Forstall, a resident of the city of New Orleans, as surety, are justly and truly, jointly and severally, held and firmly bound unto The City of New Orleans and to the several defendants therein, jointly and severally, in the full sum of two hundred dollars, lawful money of the United States; for the payment of which, well and truly to be made to the said defendants, their heirs, administrators, and assigns, we do by these presents bind ourselves, our heirs, executors, administrators, and assigns, jointly and severally, firmly by these —.

As witness our hands and seals this 12th day of January, 1882.

972 *Witness* the above-bounden John Crossley & Sons, L'd, have petitioned the honorable the civil district court of the parish of Orleans, division A, for the removal of the above entitled and numbered cause, wherein The State *ex rel.* John Crossly & Sons, L'd, are plaintiffs and The City of New Orleans, the Mayor and Administrators thereof, are defendants, No. 4890, civil district court, parish of Orleans, to the circuit court of the United States for the eastern district of Louisiana, as provided for by law:

Now, then, the condition of this obligation is such that if the above-bounden principal shall enter in the said circuit court of the United States for the eastern district of Louisiana, on the 1st day of the next session thereof, a copy of the record in said suit and shall

pay all costs that shall be awarded by the said court in said cause and enter special bail therein if the same be lawfully required, then and in that event this obligation shall be null and void, but otherwise to be and remain in full force and effect.

(Signed) JOHN CROSSLEY & SONS, L'D,
Per FRANK N. BUTLER,
Attorney. [SEAL.]
OSCAR J. FORSTALL.

Certificate.

I, James T. Clark, clerk of the civil district court for the parish of Orleans, do hereby certify the foregoing twenty-two pages do contain a true and correct transcript of all the proceedings had,
973 documents filed, testimony and evidence adduced in the cause entitled State of La. *ex rel.* John Crossley & Sons, Limited, *vs.* City of New Orleans, No. 4890 of the docket of this court.

In testimony whereof I have hereunto set my hand and affixed the impress of the seal of this court on this first day of April, in the year of our Lord 1882, and in the 106 year of the Independence of the United States of America.

[L. S.] (Signed) JAS. T. CLARK, *Clerk.*

Proceedings in No. 10337.

JOHN CROSSLEY & SONS, Limited, *vs.* THE CITY OF NEW ORLEANS. } No. 10337.

Bill of Complaint. Filed Aug't 24th, 1883.

To the honorable the judges of the United States circuit court in and for the eastern district of Louisiana:

John Crossley & Sons, Limited, a body corporate and joint-stock company duly incorporated under the laws of the United Kingdom of Great Britain and Ireland, — as such an alien and subject of said United Kingdom, domiciled and doing business in Halifax, England, exhibit this their bill of complaint, filed on their own
974 behalf, as well as on behalf of all who hold obligations of the class held by your orator who may intervene for their interest, willing to contribute to the costs of this suit, against the city of New Orleans, a municipal corporation created by the laws of Louisiana for the government of said city, and a citizen of said State.

And thereupon your orators complain and say—

That in 1858 the Legislature of Louisiana, to provide for the leveeing, draining, and reclaiming swamp lands in certain portions of the parishes of Orleans and Jefferson, and thereby secure the proper drainage of New Orleans, passed an act by which all the lands between the Mississippi river, Lake Pontchartrain, the line of the Jefferson and Lake Pontchartrain railroad, and Lafayette avenue

were directed to be drained, and were divided into drainage districts designated as the first, second, and third districts; that by the authority of a later act of 1871 another draining district was created called the fourth draining district, within the limits of Lafayette avenue, the Mississippi river, Bayou Bienvenu, and Florida Walk, on a line connecting with Lafayette and People's avenue at a point 9,600 feet from the river, and the ordinance creating said 4th draining district is herewith filed as Exhibit A.

That to fulfil the objects of said legislation the said acts provided for the cutting and digging through said lands of all necessary canals, the making of all necessary levees, the placing on the lands of all steam-engines and machinery needed for the purpose, and authorized all other acts and things to be necessary to effect said drainage.

That to secure the funds required for said work the said act of 1858 gave power to the boards of drainage commissioners to whom the direction of the work was confided to levy assessments upon the lands to be drained, to be preceded by plans to be prepared by said commissioners exhibiting the lands to be drained, the nature of the work to be done, the names of the proprietors, accompanied with notices by publication of the deposit of said plans in the office of the recorder of mortgages of the parish in which the land was situated, and announcing that said drainage as shown by the plans would be proceeded with; the supposed time required for completion, and probable costs of the work. The act further provided for the homologation or approval of said plans by the district courts of the parishes within which the lands were situated, clothing said courts with power, on proof of the publication of said notices, to decree that all said lands were subject to a first-mortgage lien and privilege to secure its proportion of the costs of said drainage, with 6 % interest thereon. There was also provision in said act for the recording of said final decrees in the offices of the recorder of mortgages of the parish where the lands were situated; that by a subsequent legislative act it was provided that a tableau exhibiting said assessments for drainage should be prepared, filed in the proper district court; that due notice thereof should be given by publication, and on proof of said publication the court should have power to approve and homologate said tableau or assessment-roll, which should be a judgment against the property assessed and against the owners thereof for the amounts due by said owners, assessed upon said lands, on which judgments executions should issue as upon other judgments, with 10 % added to amounts assessed to pay costs and counsel fees, all of which more fully appears by reference to said acts No. 165 of 1858 and No. 57 of 1861, specially referred to for fuller explanation and greater certainty.

Your orators further show that in 1871 another act was passed by the Legislature of Louisiana by which the boards of commissioners for drainage created by former acts were superseded, and in place of said boards the Mississippi and Mexican Gulf Ship Canal Company, a corporation provided with all requisite means to perform the work, was directed and empowered to dig canals through said

lands, make protection levees near Lake Pontchartrain and above and below the city to secure the lands from overflow, and by the proper drainage pumps and machines to be provided by said company to release the lands from drainage water by lifting the drainage water from the canals over and into Lake Pontchartrain, in the rear of the city, the said act providing, with detail, that the near instrumentality selected to prosecute and complete said drainage should do all things requisite and proper to attain said object; that the act subrogated the board of administrators of the city of New Orleans to all the rights, powers, and privileges of the commissioners of drainage possessed by them under previous acts, especially the power to collect and enforce all the drainage assessments levied and imposed to defray the costs of said drainage and all judgments recovered for said drainage by the homologation of the assess-
977 ment-rolls or tableaus. The act provided that for all canals dug, levees made, and other work performed by said Mississippi and Mexican Gulf Ship Canal Company payments should be made to said company from and out of all funds to be derived from said assessments, judgments thereof, or from the sale of property turned over by the commissioners to said administrators, the payments to be made at the rates fixed by the act for levees and excavations, either in cash or in warrants drawn by the administrator of accounts of said city upon the administrator of finance, payable from and out of said funds, with 8 % interest from the date of presentation, the act declaring that all amounts derived from said assessments, judgments therefor, and the other aforesaid assets should be a trust fund for the payment of the work done by said company and of the warrants issued to it for said work, and should be held and applied by said board of administrators in trust solely for the said Mississippi and Mexican Gulf Ship Canal Company and for payment of said work and warrants issued therefor, all of which more fully appears by said act # 30 of 1871, specially referred to for fuller explanation and greater certainty.

Your orators further show that under said act the said Mississippi and Mexican Gulf Ship Canal Company proceeded with the said drainage work, excavated canals, made protection levees, provided and worked the machinery for draining the lands, and performed all services required by said act down to 1876, expending in the performance of the work large amounts of money; that said company received from the city of New Orleans warrants payable out of said trust funds amounting to upwards of five hundred
978 thousand dollars, for the payment of which all said funds and the assessments, judgments therefor, and other assets aforesaid were pledged.

Your orators, further complaining, say that, pursuant to the authority conferred by said acts of 1858 and 1861, the commissioners of drainage prepared and filed plans designating the lands to be drained, the subdivisions of property therein contained, the names of the proprietors, the dimensions, direction of the canals, and the places where the engines were to be located; that said plans were deposited in the office of the recorder of mortgages of the parishes

where the lands were situated, and after due publication of the notices, as required by said act that the commissioners would proceed to drain said lands, naming place of deposit of plans, defining limits of the lands to be drained, and indicating as nearly as possible the time required for completion and probable cost of the drainage. On the petition of said commissioners decrees were rendered by the district courts designated by the acts that such portion of said property within the limits of the section or district to be drained exhibited by said plans was subject to a first-mortgage lien or privilege in favor of said commissioners for such amounts as might be assessed upon said property for its part of the costs of said drainage, with interest thereon at 6 % per annum from demand. Said judgements or decrees, the courts rendering same, dates of rendition, and title of the proceedings are as follows, to wit: The judgment in the matter of the commissioners of the first draining district praying for a decree of mortgage privilege, &c., duly rendered by
979 the honorable the third district court of New Orleans, on the 24th of August, 1861; the judgment "in the matter of the board of commissioners of the second draining district praying for a decree of mortgage privilege, &c., duly rendered by the honorable the third judicial district court, parish of Jefferson, in suit No. 1938 of the docket and signed on the 29th of April, 1861; the judgment in the the matter of the board of commissioners of the second draining district praying, &c., duly rendered by the honorable the third district court of New Orleans, and signed on the 9th of February, 1861; the judgment in the matter of the city of New Orleans praying for a decree of mortgage privilege, etc., upon property in the third draining district, &c., duly rendered by the eighth district court, parish of Orleans, and signed on the 4th day of May, 1872; and the judgment in the matter of the board of administrators praying for recognition and recovery of assessments in fourth drainage district, duly rendered by the superior district court, parish of Orleans, in suit No. 807 of the docket, on the 29th of January, 1873, and signed on the 3rd of February of that year, which said judgments are herewith filed as part hereof and marked B, C, D, E, and F.

Your orator further shows that under the authority conferred by said act of 1858 the board of commissioners of the first draining district, on the 12th September, 1861, levied an assessment of three $\frac{3}{10}$ mills per superficial foot on the lands within said district to pay the costs of said drainage directed by the act; that on the 11th March, 1861, the board of commissioners for the second drain-
980 age district levied an assessment of two mills per superficial foot on the lands of said district to pay said cost of drainage of said lands under same authority; that on the 11th June, 1872, the board of administrators of the city of New Orleans, then vested with the power to make said assessments by virtue of said act No. 30 of 1871, levied an assessment of two mills per superficial *act* on all lands within said third district to pay said cost of draining said lands, and on or about the 19th November, 1872, the said board of administrators, in exercise of said power, levied as assessment of two

mills per superficial foot on all lands within the aforesaid fourth draining district to pay the expense of draining same, all of which more fully appears by reference to the resolutions of said board of commissioners and ordinance of the common council of the city levying said assessment, herewith filed and made part hereof and marked Exhibits G, H, I, and J.

Further complaining, your orators show that the tableaus or assessment-rolls exhibiting the amounts assessed for said drainage, the names of the owners of the lands so far as known and when unknown stating the owners to be unknown, were duly filed in the courts hereinafter mentioned, designated by said act of 1871, and on motion as provided by said acts, after due publication of the order that all persons concerned show cause why said assessment-rolls should not be approved and homologated, said tableaus or rolls were duly homologated and approved by the judgments of said courts, which by the terms of said act was and is now a judgment against the aforesaid lands and the owners thereof for the amounts
981 assessed and 10 % besides for costs and counsel fees, and said judgments, the titles of the proceedings, the courts rendering the same, and dates of rendition are as follows, to wit:

In the matter of the commissioners of the first drainage district praying, etc., No. 25935, superior district court, parish of Orleans, the judgment homologating the assessment-roll for said district was rendered on the 21st March, 1874, by the superior district court for the parish of Orleans. In the matter of the commissioners of the second draining district praying, etc., No. 1938, the judgment homologating the assessment-roll of said district above Toledano street was rendered by the 3rd judicial district court for the parish of Jefferson on the 15th and signed on the 23rd March, 1869. In the matter of the commissioners of the second draining district praying, etc., No. 25393, the judgment homologating the assessment-roll for said district below Toledano street was rendered by the third district court for the parish of Orleans on the 11th and signed on the 18th November, 1868. In the matter of the commissioners of the third drainage district praying, etc., No. 7482, the judgment homologating said assessment-roll for said district was rendered on the 8th and signed on the 13th November, 1872, by the eighth district court for the parish of Orleans. In the matter of the board of administrators praying, etc., No. 807, the judgment homologating the assessment-roll for the fourth drainage district was rendered the 15th and signed on the 18th March, 1873, by the superior district court for the parish of Orleans. Said tableaus or assessments are specially referred to for fuller explanation and greater certainty, and copies of said judgments, marked B, C, D, E, and F, are herewith filed and made part hereof.

982 Further complaining, your orators show that in 1876 the Legislature authorized the city of New Orleans to contract with the Mississippi and Mexican Gulf Ship Canal Company for the purchase of its rights and franchises, tools, implements, machines, boats, and apparatus belonging to said company and its transferees, the purchase price of said property to be paid in drainage warrants,

payable out of the drainage assessments imposed under previous acts, in accordance with which act the said purchase was made, the city receiving from said company the said machines, tools, apparatus, implements of very great value, for which it agreed and bound itself to pay three hundred and twenty thousand dollars in drainage warrants, to be enforced and collected by the city, which said warrants were accordingly delivered to the assignee of said company, and ever since the city has had the possession and enjoyment of said property, wholly disregarding its obligations to pay for the same, as more fully stated hereinafter; that by said act the city assumed entire charge of said drainage, undertook to carry it on, availed itself of all the work done by said company, which, in compliance with all its obligations, had dug and excavated canals, built levees, and performed the services requisite to said drainage up to the 7th June, 1876, when the city relieved the company and assumed control of the work; that the work so performed by the company, in all respects conformable to the act on the subject, was adequate to secure the drainage proposed, requiring, of course, proper efforts on the part of the city to maintain and prosecute the system of drainage; that if there has been any default in said work, not admitted,

983 it is due solely to the city since its assumption of the drainage work, and it follows that all of said drainage warrants issued for actual work and labor done by said company and for said property bought, received, used, enjoyed by the city, but not paid for, are now entitled to be paid and to the benefit of all the securities provided by said legislative acts.

And your orators specifically refer to said act No. 30 of 1871 for fuller explanation and greater certainty, and to the act of said purchase and settlement of date the 7th June, 1876, copy whereof, marked Exhibit K, is herewith filed and made part hereof.

And your orators show that said warrants were negotiable, were secured by all said drainage assessments pledged for their payment, and by the obligation of the city imposed by law, as well as expressly assumed by the city, to collect, enforce, and apply the funds derived from all said drainage assessments and the judgments therefor to the payment of all said warrants; that on the faith of this obligation of the city and of these securities your orators acquired and now hold for actual value given by them four hundred and thirty-six thousand seven hundred and eighty-two $\frac{55}{100}$ dollars of said drainage warrants issued by the city and thereafter acquired by your orators, part issued to said company for work and labor done, part issued under said act of 1876 for the property bought and received by the city, all of which are unpaid, entitled to be paid and to the enforcement of all the obligations and securities pledged for their payment, and your orators herewith file and mark part hereof copy of one of said warrants and a list of those held by them, marked Exhibits A^{l} and A^{m}.

984 Your orators further show that said decrees of the courts subjecting all said lands to the first-mortgage lien and privilege to secure said amounts assessed for drainage, and homologating said assessment-rolls constituting personal judgments against the

land owners, as well as the lands for the amounts assessed, have been duly recorded in the offices of the recorder of mortgages of the parishes of Orleans and Jefferson, according to the situation of the lands, and are mortgages against the lands and owners thereof to secure said assessments, and that for greater precaution but not admitting the necessity thereof, proceedings have been instituted in the State courts to renew the judgments homologating said assessment-rolls.

Your orators further show that subsequent to the issue of said warrants and to the assumption by the city of said drainage work the Legislature of Louisiana passed certain laws to exclude said lands from all liability for said assessments, to annul the judgments therefor, to cancel all liens, mortgages, and privileges securing said assessments, and finally there is in the present city charter the enactment to repeal all laws for the drainage of the city and forbidding the collection of said drainage assessments, all of which more fully appears by reference to the acts of the Legislature No. 48 of 1877, No. 167 of 1877, and No. 20, section 42, of 1882, specially referred to for fuller explanation and greater certainty.

Your orators show that the legislative acts under which said warrants issued, pledging said drainage assessments for their payment,
were in legal effect contracts under which the holders of
985 the warrants were entitled to the benefit of all said securities, as well as to the fulfillment of the obligations of the city to enforce said assessments; that said legislative acts propose to liberate the lands, the owners thereof, and the city of New Orleans from all liability to the holders of said warrants entitled to all the securities the said acts propose to destroy; that said acts further propose to discharge the city from its obligations to pay the price of the property acquired by it under its contract of purchase of 7th June, 1876, to be paid from and out of the drainage assessments which the city by its said contract bound itself to collect and enforce; that in effect these legislative acts design to destroy the right of property in these drainage assessments, invade the contract of your orators, free all parties from liability, cancel all securities on the lands, and deprive your orators and all the warrant-holders of all means of payment of their obligations issued by the city under the pledge of the guarantees and securities hereinbefore set forth; and your orators show that said legislative acts and each of them are void and null for plain repugnancy to the clauses of the Federal Constitution prohibiting legislation impairing the obligations of contracts and protecting the right of property, the 1st article, section 10, and 15th amendment of said Constitution, by which your orators' rights are protected.

And, further complaining, your orators show that the city itself is an owner of lands within the drainage districts and a judgment
debtor for assessments levied upon said lands exhibited by
986 the assessments-rolls for said districts, duly approved and homologated, said assessments being as follows—that is to say:

In the first draining district	$230,733 30
In the second draining district	171,708 65
In the third draining district	208,879 40
In the fourth draining district	66,611 55

aggregating six hundred and seventy-seven thousand nine hundred and thirty-two $\frac{90}{100}$ dollars, all of which is unpaid and should be paid and applied by the city to pay said drainage warrants, and your orators refer to said assessment-rolls for fuller explanation and certainty and to the extracts therefrom, exhibiting said assessments against the city, herewith filed as Exhibit A[a] and made part hereof.

And your orators further show that since the said legislation of 1877 the city has failed to enforce said assessments, neither paying its own or enforcing the assessments against the other drainage debtors, and now avows its purpose not to collect and enforce said assessments, make provision to pay said warrants, or comply in any manner with its obligation in the premises, and said avowal and refusal is manifested in the ordinance of the council of said city passed on the 5th of April, 1881, and in the proclamation of the mayor of said city published April 7th, 8th, and 9th, 1881, copies whereof are herewith filed, marked Exhibit A°, and made a part hereof.

And now your orators show that all said drainage assessments and judgments therefor being pledged for redemption of said warrants, the funds to be derived therefrom constituting a trust fund to be collected and applied by the city to pay the warrants, the
987 city itself debtor for drainage assessments, bound also for the price of the aforesaid property which it bought, received, and uses, neither paying the price in money or enforcing the assessments, as it bound itself to do, from which the price was to be paid, and the absolute refusal of the city to do anything in the premises, leaving the warrants it issued wholly unprovided for, entitles your orators without action or remedy at law upon these warrants to invoke relief in equity; that the refusal of the city to collect the assessments and pay for said property from the amounts thereof so collected makes the city liable for said purchase price three hundred and twenty thousand dollars; that it is also liable for the said assessments owed by it, all of which is applicable to pay the said warrants, as are also all said drainage assessments and judgments, the refusal to collect which and abandonment of the trust and obligation in that respect on the part of the city entitles your orator, to the appointment of a receiver to collect and enforce said assessments and to have applied under the order and direction of this court the amounts for which the city is bound and the amounts of said assessments aforesaid to the full payment of all said warrants, with interest and costs.

To the end, therefore, that the said mortgages, liens, and privileges decreed to exist upon such portion of the property situated within the limits of the drainage districts exhibited by the plans filed under the act of 1858 designating the lands to be drained
988 may be adjudged legal and valid; that the aforesaid assessments for drainage and judgments therefor levied and im-

posed under said acts of 1858 and of 1861, exhibited by said assessment-rolls or tableaus prepared, filed, approved, and homologated under said acts, and the aforesaid decrees homologating said assessment tableaus may be decreed to be legal and valid judgments against the lands and owners exhibited by said tableaus and be decreed to be enforced, with interest and ten per cent., fixed by said acts; that a receiver be appointed with authority to demand, sue for, collect, and enforce said assessments and judgments therefor; that the city of New Orleans be adjudged bound and liable for the aforesaid assessments due by it and for the purchase price of said property and be condemned to pay the same, with interest; that an account be taken of all warrants entitled to payment from and out of said funds; that the said warrants held by your orators be decreed to be paid, with interest and costs, with all others equally entitled from and out of the aforesaid amounts for which the city is liable and from and out of all amounts derived from said drainage assessments and judgments therefor, and as fast as said amounts are collected, and that your orators have all such further relief and as the nature of the case demands and equity can give—

May it please your honors to grant unto your orators the writ of subpœna to be directed to the city of New Orleans, commanding it to be and appear on the day and within the delay named before this honorable court, there to answer all and singular the premises aforesaid, and to stand to, perform, and abide such order
989 as the court may make in the premises and your orators will ever pray.

(Signed) BLANC & BUTLER,
MILLER & FINNEY,
Sol. for Complainants.

Petition for Order on Complainants to Give Bond for Costs. Filed Nov. 12, 1883.

JNO. CROSSLEY & SONS, L'd,
vs.
THE CITY OF NEW ORLEANS. } No. 10337.

To the hon. the judges of the circuit court of the United States for the fifth circuit and eastern dist. of La.:

The petition of The City of New Orleans made defendant, in this cause, respectfully showeth that she has caused appearance to be entered in this suit, and same was duly entered.

And your petitioner further shows that the complainants herein are foreigners and reside out of the jurisdiction of this court, to wit, in Halifax, England.

That the defense of this suit may involve great expense and outlay of money, and petitioner is, under the circumstances, entitled to security for her costs in this cause.

Wherefore your petitioner prays that the said complain-
990 ants may be ordered to file security for costs within a delay to be fixed by this court, and in default thereof that this suit

be dismissed, and in the meantime and until this security is furnished and bond filed that all proceedings on the part of complainants be stayed.

And your petitioner, as in duty bound, will ever pray, etc.

(Signed) C. F. BUCK,
City Att'y, Solicitor for Defendant.

Order.

Let the matter of the within petition be heard contradictorily on Saturday, 17th November instant, at 11 a. m. Meanwhile let all proceedings herein be stayed until the matter of the petition be determined by the court.

Nov. 12th, 1883.

(Signed) EDWARD C. BILLINGS, *Judge.*

Demurrer, etc. Filed Nov. 17, 1883.

JNO. CROSSLEY & SONS, L'd,
vs.
THE CITY OF NEW ORLEANS. } No. 10337.

To the hon. the judges of the U. S. circuit court for the fifth circuit and eastern dist. of La.:

991 This defendant, The City of New Orleans, by protestation, not confessing or acknowledging all or any of the matters and things in the said complainants' bill of complaint to be true in such manner and form as therein set forth and alleged, doth demur thereto, and for cause of demurrer showeth:

First. That the said complainants hath not in and by said bill made or stated such a cause as doth or ought to entitle them to the relief prayed or any relief in a court of equity.

Second. That said bill of complaint is bad for multifariousness, containing and joining distinct matters, some of which (if any, which is not admitted) are clearly not cognizable in a court of equity, and complainants, if any rights they have, especially in so far as they seek a money judgment against this defendant, should pursue same in a proceeding at law.

Wherefore this defendant demands the judgment of this hon. court whether she shall be compelled to make further or other answer to the said bill or any of the matters and things therein contained, and prays to be hence dismissed with *his* reasonable costs in this behalf sustained.

(Signed) CHAS. F. BUCK, *City Attorney,*
WYNNE ROGERS, *Ass't,*
Solicitors for Defendant.

I certify that in my opinion the foregoing demurrer is well founded in point of law.

(Signed) CHAS. F. BUCK, *Solicitor.*

992 The undersigned, duly sworn, deposes and says that he is mayor of the city of New Orleans, and that he is informed and believes that the foregoing demurrer is not interposed for delay.

(Signed) W. J. BEHAN, *Mayor.*

Sworn to before me this Nov. 12, '83.

[SEAL.] (Signed) W. O. HART, *Not. Pub.*

Order. Demurrer Overruled.

Extract from the Minute Book, November Term, 1883.

NEW ORLEANS, MONDAY, *April 21st*, 1883.

Court met pursuant to adjournment.

Present: Hon. Edward C. Billings, district judge.

JOHN CROSSLEY SONS, Limited, *vs.* THE CITY OF NEW ORLEANS. } No. 10337.

This cause came on to be heard on the demurrer to the bill herein, and was argued by counsel.

On consideration whereof it is ordered that the said demurrer be overruled, and that defendant answer on or before the 2d Monday after the next succeeding rule day.

993 *Answer. Filed November 10th*, 1884.

JOHN CROSSLEY & SONS, Limited, *vs.* THE CITY OF NEW ORLEANS. } No. 10337.

The answer of The City of New Orleans, defendant, to the bill of complaint of John Crossley & Sons, Limited, complainants.

This defendant, now and at all times hereafter, saving and reserving to itself all and all manner of benefit or advantage of exception or otherwise that can or may be had or taken to the many errors, uncertainties, and imperfections in the said bill contained, for answer thereto, or to so much thereof as this defendant is advised it is material or necessary for it to make answer to, answering, says—

That in the year 1858 the Legislature of Louisiana, by act No. 165 of that year, entitled "An act to provide for the leveeing, draining, and reclaiming of swamp lands in certain portions of the parishes of Orleans and Jefferson," enacted that certain portions of said parishes should constitute three drainage districts, designated respectively as the first, second, and third drainage districts, and that for each of said districts there should be a board of commissioners, which was constituted, for the purposes of the act, a body corporate,

and that whenever either of said boards was prepared to
994 drain its respective district it should cause a plan thereof to be made, accurately designating the limits thereof, the subdivision of property therein contained, and the names of the proprietors, and deposit said plan in the office of the recorder of mortgages and give notice thereof by publication, and, after due publication, apply by petition to the proper district court, which court, upon due proof of publication, should decree that each portion of the property situated within said limits is subject to a first-mortgage lien and privilege in favor of such board of commissioners for such amount as might be assessed upon said property; that the said board of commissioners were empowered to levy uniform assessments upon each superficial square foot of land situated within the district, and that on the non-payment of the amount of the assessment judgment therefor should be recoverable before any court of competent jurisdiction, and the land so assessed should be sold according to law to satisfy said judgment, and the sum of $81,000, to be equally divided among said three draining districts, was appropriated out of the swamp-land fund of the first swamp-land district of the State for the purpose of said act.

That in 1859 the Legislature of Louisiana passed an act, No. 191 of that year, supplementary to said act No. 165 of 1858, whereby the said boards of commissioners were authorized to issue bonds, having not more than thirty years to run and bearing interest not exceeding eight per cent. per annum, to an amount not exceeding $350,000 for each drainage district, and upon issuing such bonds "to fix and determine the amount of assessment to be levied upon
995 the superficial square foot" of land within the respective districts, and to apportion the amount to be paid yearly by the owners of said lands in order to pay the annual interest on said bonds and the bonds at maturity, provided that the amount of the assessment demandable yearly should not exceed one-tenth of such assessment.

That in the year 1861 the Legislature passed an act, No. 57 of that year, whereby it was enacted that the amount of assessment which the boards of commissioners of the several drainage districts are authorized to fix and apportion to be paid yearly by the owner or owners of the lands within said districts in order to pay the annual interest on the bonds issued or to be issued by said boards of commissioners by virtue of the second section of an act supplementary to an act to provide for leveeing, draining, and reclaiming swamp lands in certain portions of the parishes of Orleans and Jefferson, approved March 18th, 1888, shall be collected and sued for — the following mode of proceedings, to wit:

As soon as any assessment has been made and notice thereof shall have been given a copy thereof shall be filed in the third district court of the parish of Orleans for the assessments made on the property within the limits of the parish of Orleans, and in the third judicial district court, sitting at Carrollton, for assessments made on property within the limits of the parish of Jefferson, on which tableau of assessments thus to be filed the property assessed shall be set

forth, together with the amounts assessed and the names of the owners thereof: * * * that a petition shall be filed with said assessment-rolls praying for an order that all persons whom
996 it may concern do show cause, within thirty days from the first publication of said order, why said assessment-roll should not be approved and homologated, * * * and, after said publication, the courts shall, on motion of the counsel of said boards of commissioners, approve and homologate said assessment-rolls, which shall be a judgment against the property assessed and the owners thereof, on which execution may issue as on judgments rendered in the ordinary mode of procedure, and the court shall, at the same time and in the same judgment, order the delinquent parties to pay ten per cent. in addition to the amount assessed to pay counsel fees and costs.

Respondent says that it is true, as stated in the bill, that an additional drainage district with the extent and limits stated in the bill was established and assessments upon the property therein made by ordinances of the board of administrators of the city, upon assumption of authority so to do, under and by virtue of act No. 30 of 1871, mentioned in the bill; but this respondent says that the said ordinances and the said act of the Legislature, in so far as construed as to confer such authority and the further authority, as claimed, *as* proceed for the enforcement of said drainage assessments by the summary mode of procedure described in act No. 57 of 1861 have been subsequently, repeatedly, and uniformly held by the courts of the State to be void and inoperative; and respondent further says that in the suit entitled Mississippi and Mexican — Ship Canal Company *vs.* City of New Orleans, 35 An., p. 68, it was expressly held by the supreme court of the State that the city of New Orleans was not liable to any extent or for any sum whatever for said assessments and judgment therefor claimed
997 to have been recovered therefor in proceedings had under and in conformity to said act No. 57 of 1861 and act No. 30 of 1871; and this respondent says that by virtue and effect of said final judgment of the supreme court the complainants are barred and estopped from claiming any relief in this proceeding against this respondent by reason of said assessments and judgments; and respondent hopes it may have the same benefit of this ground of defense as if it had availed itself thereof in the form of a plea to so much of said bill as relates to said assessments and judgments.

Respondent says that it is true that by said act No. 30 of 1871 the said boards of commissioners created by said prior acts were superseded, and that the Mississippi and Mexican Gulf Ship Canal Company were empowered to carry on a system of drainage, and that the board of administrators of the city of New Orleans were subrogated and succeeded to the rights and duties of said boards of commissioners to the extent stated in said act; and respondent says that by said act it was provided that all work done by said Mississippi and Mexican Gulf Ship Canal Company should be paid for out of a drainage fund to be derived from said assessments, the payments to be made at the rates fixed by the act, either in cash or,

where there was no cash at the time to the credit of said fund, in warrants upon said fund to be drawn by the administrator of accounts on the administrator of finance, and that said drainage fund was declared by said act to be a trust fund for the payment of said warrants.

Respondent admits that under said act the said company proceeded with said drainage work and received drainage war-
998 rants therefor to about the amount stated in the bill, and that for the payment of said warrants the said drainage fund and the said assessments and judgments were pledged; that it is true that under said acts of 1858, 1859, and 1861 plans were filed, proceedings had, and judgments entered as stated in the bill; but, this respondent says, all of said proceedings and judgments, in so far as they were had and obtained in conformity to said act No. 57 of 1861, have subsequently been held by the State courts, repeatedly and whenever called in question or sought to be maintained or enforced, to be void and inoperative.

This respondent admits that the several drainage assessments made by said board of commissioners and board of administrators of the city of New Orleans and the divers proceedings and judgments for the enforcement thereof averred and set forth in the bill were made and had at the rates and at the times and in the manner stated in the bill, but this respondent says that subsequent thereto and in proceedings had at the suit, as well of complainants as of respondent, for the maintenance and enforcement thereof in the State courts of competent jurisdiction said proceedings and judgments have been repeatedly and uniformly held to be void and inoperative.

Respondent says that in 1876 the Legislature passed an act, No. 16 of that year, entitled "An act to authorize the city of New Orleans to assume exclusive control of all drainage works in the drainage districts, to authorize the purchase of certain rights and property of the Mississippi and Mexican Gulf Ship Canal Company and its transferee, and to provide for the manner of making said
999 purchase and for paying therefor in drainage warrants," by which act the common council of the city of New Orleans was authorized and empowered to contract with the said company and the transferee thereof for such purchase, and by the third section of which act it was expressly and specially enacted and declared that all amounts to be paid as the price and consideration of said purchase "shall be paid in drainage warrants by the city of New Orleans, which said warrants shall be issued in the same form and manner as those heretofore issued to the transferee of said company under act No. 30 of acts of 1871 for work done," and that such warrants "shall be made payable out of the drainage assessments;" and by the fourth section of said act, "that whenever the sale and purchase contemplated by this act shall be completed and the drainage warrants issued in payment of the price agreed on and fixed, the city of New Orleans, through its officers, shall have exclusive control of all the rights, powers, and franchises granted by act No. 30 of acts of 1871 relative to drainage or other public works to the Mississippi

and Mexican Gulf Ship Canal Company or its transferee. The city of New Orleans shall alone have the power, either through its own officers or employees or by contract to the lowest bidder, to do all canalling, dredging, ditching, or drainage work required to be paid for by assessment upon property or from the city treasury."

And this respondent says that it is true, as stated in the bill, that in accordance with said act No. 16 of 1876 the purchase contemplated and provided by said act was made by the city from
1000 the company and the transferee of said company on the 7th of June, 1876, as per notarial act of purchase and settlement of that date, a copy of which is annexed to the bill as Exhibit K, and that by said act it agreed and bound itself to pay three hundred and twenty thousand dollars in drainage warrants, and that said warrants were accordingly delivered to the assignee of said company, as stated in the bill.

Respondent says that it is true that since said purchase the city has had possession and enjoyment of the property so purchased except as to a portion thereof from which it has been evicted by creditors of the said Mississippi and Mexican Gulf Ship Canal Company, asserting rights thereupon paramount to the right acquired thereto by the city by said purchase from the said company and the transferee of said company, Warner Van Norden, but respondent says that it is not true as stated in the bill that the city has wholly disregarded its obligation to pay for said property, but that on the contrary the truth is that it made payment therefor in full, in the manner stipulated for at the time of said purchase, as stated in the same paragraph of the bill, in drainage warrants, then delivered to the transferee of said company to the amount stated in the bill; and that this form of payment was the sole and only form of payment for which the municipal corporation of the city of New Orleans was competent to obligate or bind itself under the express terms of said act No. 16 of 1876. This respondent says that the law under which said drainage warrants were executed and delivered as the price and consideration of said purchase, as well as the
1001 laws under which said drainage warrants were issued for work done under the terms of said acts, contemplated and intended that the drainage assessments to meet and pay said warrants should be enforced and collected by said city, and that all amounts collected therefrom should constitute a trust fund to be held and applied to the payment and satisfaction of such warrants, the city not being entitled to apply any portion of such fund to any other purpose except in the event of a surplus thereof remaining after the payment of all of said warrants; and respondent says that large sums *to* have heretofore been collected by it from such assessments and passed to the credit of said drainage trust fund, and that all amounts so collected have been applied to the payment of drainage work and drainage warrants issued under the terms of said act; and, as to the residue of said assessments remaining uncollected, that it has used all due diligence to collect the same by means of the judicial proceedings stated in the bill and otherwise without avail.

This respondent says that the said acts under which said warrants were issued never contemplated or intended that they should become payable in any event or contingency otherwise than out of said drainage fund, and that said warrants were executed and accepted with full knowledge by all parties that they were not and could not in any event become chargeable to the city of New Orleans or payable by it otherwise than out of said drainage fund; that the corporate authorities of said city were and are wholly without power or competency to bind the municipality to pay or
1002 to provide means to pay said drainage warrants otherwise than out of said drainage fund, and that it has at no time been competent to the corporate authorities of said city, under said acts or under any law applicable to the claims evidenced by said warrant by any act or failure to act on their part, to incur any corporate liability in respect of said warrants other than to the extent above stated, or to change the character of the liability or obligation evidenced by said warrants from a charge upon a particular and specific fund, to wit, the drainage fund aforesaid, into a general liability or obligation of the municipality to be met by general municipal taxation or otherwise than out the particular fund to be derived from said drainage assessment.

And respondent says that the said drainage assessments were and are amply sufficient in amount, if collected, to meet and pay all of said drainage assessments outstanding; that without fault of this respondent it has, to a large extent, been unable to enforce and collect said assessments. Respondent admits that the holders of said drainage warrants are entitled to the benefit of all of said assessments and of the proceedings and judgments stated in the bill, as far as they can be made effective and available as securities for the payment of said warrants, and to the appointment by the court of a receiver to enforce and collect said drainage warrants and render said securities effective as far as may be, this respondent expressly admitting its inability to enforce or collect said drainage assessment or to enforce said judgments by further proceedings in the State courts or otherwise.

Respondent denies that said drainage warrants, though it is admitted that they were drawn payable to order, are negoti-
1003 able securities, and says that the laws hereinabove set forth under which said warrants were executed do not authorize or empower the execution or issuance by the city of New Orleans of securities negotiable in form; that the said warrants are not in the form of a bond or note of the city of New Orleans binding the city absolutely for the payment of a certain sum of money at a certain time, but are merely orders drawn by one officer of the city, the administrator of accounts, on another officer of the city, the administrator of finance, for the payment of the sums of money specified in such orders out of a particular fund, to wit, the drainage fund, and not otherwise; and this respondent says that the holders or owners of such warrants, other than payees named in the warrants, are not entitled to claim the right to be dealt with as

holders of negotiable securities, but can only claim as ordinary transferees or subrogees of the original holders.

Respondent denies that complainants are the owners or holders or lawful possessors of $436.782.55 of said drainage warrants or of any of said warrants described in Exhibits A[e] and A[m], annexed to the bill. Respondent says that said warrants are all of them the property of the Louisiana Savings Bank, a body corporate under the laws of Louisiana, now insolvent, and in liquidation in the courts of the State; that in a certain suit instituted by complainants against the said Louisiana Savings Bank, in liquidation, in the civil district court of the State of Louisiana for the parish of Orleans, and numbered 350 on the docket of said court, a final judgment has been rendered by said court, from which an appeal to the supreme court of the State, which is still
1004 pending, has been taken by complainants, and that by said judgment of said civil district court it was decreed that all of said drainage warrants described in said exhibits to the bill of complaint in this case are the property of said Louisiana Savings Bank, and that John Crossley & Sons, Limited, the complainants in this cause, have no interest in said warrants beyond holding them as collateral security for the reimbursement of a loan stipulated to be made by them to said bank by a certain letter of credit of May, 1879; that only a portion of the loan so stipulated to be made was made, and that said John Crossley & Sons, Limited, are not entitled to hold said warrants, even as collateral security, except upon condition of the payment by said John Crossley & Sons, Limited, to the said Louisiana Savings Bank, in liquidation, of the sum of $78,712.50, and the said judgment condemned the said John Crossley & Sons, Limited, in default of the payment of said sum within sixty days, to deliver said warrants held by them to the said bank; and this respondent is advised and says that in the event of the affirmance by the Supreme Court of said judgment and the refusal or failure of complainants to pay said bank said sum of $78,712.50 as a condition precedent to their right to hold said warrants as collateral security as aforesaid the said bank will be entitled to possession of all of said warrants as owners thereof and to hold this respondent liable and accountable in respect of whatever obligation of this respondent is evidenced by said warrant; and in the meantime this respondent submits that it is inequitable and unlawful to hold this respondent accountable in this proceeding to said
1005 John Crossley & Sons, Limited, in respect of said warrants, the said complainants not being the owners of said warrants or entitled to hold and enforce them as collateral security as aforesaid; and this defendant hopes it may have the same benefit of this ground of defence as if it had availed itself of it by way of plea to the whole bill and all of the relief prayed for by complainants.

Respondent admits that the legislative acts under which said drainage warrants were issued, pledging said drainage assessments for their payment, were, in legal effect, contracts under which the lawful holders of said warrants were and are entitled to the benefit of all of said securities, and that the several subsequent legislative

acts in the bill specified, in so far as they purport or were intended to impair the obligation of said contracts in the manner specified in the bill or otherwise, are null and void for repugnancy to the Constitution of the United States, as stated in the bill.

Respondent admits that the lawful holders of said drainage warrants are entitled to the fulfillment of the obligations of the city to enforce said assessments in the manner contemplated and intended by the acts under which said warrants were issued, in so far as said acts have not been held by the courts of the State to be inoperative and void, and that said obligation remains unaffected by any of said subsequent legislative acts specified in the bill; and this obligation, respondent says, it has heretofore discharged to the best of its ability by making the assessments and taking the judicial proceedings stated in the bill and other proceedings, but that these pro-
1006 ceedings have, in the main, been rendered abortive and ineffective by rulings and judgments of State courts of competent jurisdiction, for which it is in nowise responsible or accountable; and, further, this respondent says again that had there been any unlawful or improper action or failure to act by the city authorities in the premises, which is not admitted, but denied, by no action or failure to act of the corporate authorities, in the manner charged in the bill or otherwise, could any other corporate liability or obligation in respect of said warrants be incurred than that specified in the acts under and by virtue of which they were issued, or the municipality be rendered liable for the payment of said warrants out of any other fund than the said drainage fund created by said act, and that at no time has it been competent to the corporate authorities, by any action or refusal or failure to act on their part, to change or enlarge the character of the indebtedness evidenced by said warrants from a charge on a particular fund, to wit, the drainage fund, as aforesaid, to a general corporate indebtedness or liability chargeable against the corporate revenues generally, to be provided for by general corporate taxation levied without reference to ownership of lands assessed for drainage under said acts authorizing the issuance of said warrants.

Respondent admits the ownership of much, though not of all, of the property described in the bill as the property of the city of New Orleans. Among the property so described is the square upon which the United States mint is located, which is not the property of the city. Included in such description also are all the streets,
1007 public landings, and places permanently dedicated to public use, the right of the city to which is rather that of administration than of ownership, involving the *jus disponendi*, as such streets, landings, and public places cannot be lawfully diverted to other than public uses to which they are dedicated. Respondent says that the character of the property described in the bill as the property of the city of New Orleans, and claimed to be subject to drainage assessment, for which it is charged that the city is directly liable to the amount in the aggregate of about $677,932.90, is such as to exempt it from all such liability and from all liability to be assessed or taxed for any purpose, being lands occupied by streets,

landings, squares, parks, and other public places, and by the court-houses occupied and used by the State and municipal courts, the municipal or city hall, the parish and police jails, school-houses, engine-houses, and other structures and buildings dedicated to public and corporate uses and essential to the discharge of the public, police, and governmental functions of the municipality as a political subdivision of the State government.

Respondent says that exemption from assessment and taxation is implied in all cases of public property, and that it is always to be presumed that the general language of statutes is made use of with reference to taxable subjects, and that the property of municipalities is not in any sense taxable and is, by clear implication, excluded from all assessment and tax laws; and respondent says it is manifestly implied in all of said statutes hereinbefore set forth that the streets and landings and public places and property of the
1008 city dedicated to necessary corporate uses for purposes of education, police, and municipal government were not intended to be embraced within the purview of the said several acts authorizing the said drainage assessments, from the fact that all lands intended to be subjected to such assessment are by the terms of said act subjected to special liens and mortgages and to the liability to be seized and sold under execution for the enforcement of said assessment, which provisions plainly could never have been designed to embrace the streets, landings, and public places of the city and its property dedicated to educational, police, and governmental uses; and this respondent says that the assessment of such property upon said assessment-rolls is entirely without warrant of law and cannot be enforced in this proceeding or otherwise.

And this respondent denies all and all manner of unlawful combination or confederacy wherewith it is by the said bill charged, without this, that there is any other matter, cause, or thing in the said complainant's said bill of complaint contained material or necessary for this respondent to make answer unto and not herein well and sufficiently answered, traversed, and avoided or denied *that* is true, to the knowledge or belief of this defendant; all which matters and things this defendant is ready and willing to aver, maintain, and prove as the court shall direct, and respectfully prays to be hence dismissed with costs.

(Signed) W. H. ROGERS,
City Att'y, Solicitor for Defendant.

1009 *Replication. Filed Dec.* 1, 1884.

United States Circuit Court, Eastern District of Louisiana. In Equity.

JOHN CROSSLEY & SONS, Limited,
vs.
THE CITY OF NEW ORLEANS. } No. 10337.

The replication of John Crossley & Sons, Limited, complainants, to the answer of The City of New Orleans, defendant.

These repliants, saving and reserving unto themselves now and at all times hereafter all and all manner of benefit and advantage of exception which may be had or taken to the manifold insufficiencies of the said answer, for replication thereunto say that they will aver, maintain, and prove their said bill of complaint to be true, certain, and sufficient in law to be answered unto, and that the said answer of the said defendant is uncertain, untrue, and insufficient to be replied — by these repliants, without this, that any other matter or thing whatsoever in the said answer contained material or effectual in the law to be replied unto and not herein and hereby well and sufficiently replied unto, confessed or avoided, traversed or denied, is true; all which matters and things these repliants are and will be ready to aver, maintain, and prove as this honorable court shall direct, and humbly pray as in and by their said bill they have already prayed.

(Signed) MILLER & FINNEY AND
BLANC & BUTLER,
Complainants' Solicitors.

1010 *Intervening Bill of Complaint of Joacquin F. De Vignier. Filed March* 15, 1886.

JOHN CROSSLEY & SONS
vs.
THE CITY OF NEW ORLEANS. } No. 10377.

To the judges of the circuit court of the United States for the eastern district of Louisiana:

Joacquin F. de Vignier, of Fauquier county and State of Virginia, brings this his intervening bill against the city of New Orleans in the above-entitled suit, joining the complainants therein according to the invitation contained in their bill of complaint; and thereupon your intervening orator, taking — himself all the responsibilities of the complainant and liability for costs and otherwise complaining, says that he is a citizen of the State of Virginia residing in Fauquier county thereof; that he is the holder and owner of eleven draining warrants issued by the city of New Orleans, similar to those set forth and described in the original bill of complaint in this case, amount-

ing to the total sum of nineteen thousand dollars, which bear interest from their several dates, and all of which are set forth and described in the bill of items hereto annexed and made part hereof, and all of which were endorsed by the person to whom issued, who is a citizen of the State of New York, who could sue on the same, which are negotiable and transferable by endorsement, and were issued under the provisions of the act No. 30 of the ses-
1011 sion of the General Assembly of the State of Louisiana held in the year 1871 and under the provisions of the act No. 16 of the General Assembly of the State of Louisiana, approved February 24, 1876, and of the contract made thereunder, which said acts and contract are set forth and fully described in the bill of complaint of the said complainants and are adopted as part of this intervening bill.

Wherefore this intervenor prays to be allowed to intervene in the aforesaid suit; that he may be allowed to participate in all the benefits, orders, and decrees that may be rendered therein; that the gracious writ of subpœna be issued, directed to the city of New Orleans, through the mayor thereof, ordering them to answer hereto after the proper delay and at a proper time, and that the said city of New Orleans be ordered, adjudged, and decreed to pay your intervening orator the amounts of his said warrants as aforesaid, with interest at the rate of eight per centum per annum from their several dates until paid, and for all such other and further relief and remedy as the nature of the case may require and permit.

(Signed) ROBERT MOTT, *Sol.*

Order.

Let this bill of intervention be filed and writs of subpœna issued as therein prayed for.

New Orleans, 15 March, 1886.

(Signed) EDWARD C. BILLINGS, *Judge.*

1012 *Amended Bill. Filed April* 29, 1886.

JOHN CROSSLEY & SONS, Limited,
vs.
THE CITY OF NEW ORLEANS & J. F. DE VIGNIER, Intervening Plaintiff.
} No. 10337. In Equity.

Amended bill.

The complainants and the intervening complainant, John Crossley & Sons, Limited, and J. F. De Vignier, the consent of the court first being had permitting the same, bring and file this their amended bill of complaint and aver and say that The City of New Orleans, the defendant, has received all the property of the several drainage commissions created under the laws of the State of Louisiana; has converted the same to her own use, and applied the same to other purposes than those contemplated by the said laws and by the con-

tracts entered into in the act of purchase, dated on or about the 7th June, 1876, and set forth in the original bill of complaint filed in this cause. She has collected from the sales of property and the collection of taxes sums which belonged and should have been applied to the satisfaction of the drainage warrants held and owned by complainants and intervening complainant, and, conspiring with others whose names are unknown to your orators, has refused to render an account of the said properties, taxes, and other values to your
1013 orators and others holding and owners of the aforesaid drainage warrants, although repeatedly requested and required so to do; and your orators aver that by her condition and the obligations and responsibilities thrown on her by the aforesaid laws of the State of Louisiana and the contract as aforesaid set forth in the original bill of complaint the defendant, The City of New Orleans, was under the obligation and in equity and good conscience should have collected the taxes and revenues provided by said laws for the settlement and payment and retiring of the said drainage warrants, which would have been sufficient, if honestly and fairly collected, to have paid, settled, and extinguished all the said drainage warrants held and owned by your orators and others.

And your orators charge that the defendant, The City of New Orleans, now has in her possession or under her control property, rights, values, and effects which, conspiring with others, she conceals and does not account for, and which she acquired from the operations of and the work done by the aforesaid drainage commissions and the said Mississippi and Mexican Gulf Ship Canal Company and the transferee thereof.

And your orators further aver that the said city of New Orleans, through the common council thereof, became the trustee of the said property, rights, credits, taxes, and revenues of every kind for the purpose of applying the same to the payment and satisfaction of the aforesaid drainage warrants.

To the end that the said city of New Orleans may, if she can, show cause why your orators shall not have the relief hereby prayed, and may, according to the best and utmost of her knowledge,
1014 remembrance, and information and belief, full, true, and perfect answers make, but not under oath, her oath thereto being expressly waived, to the matters and things herein set forth, and that the said defendant may be decreed to make full discovery of the matters and things herein set forth and to come to an account with your orators, to be taken by and under the direction and decree of this honorable court, of the property, taxes, rents, receipts which she has received, collected, or possessed since the time she has had the direction, management, or control, or the right to direct, manage, or control, all the property, taxes, rents, revenues, and other things under and by virtue of the acts of the Legislature of Louisiana and of the contract with the Mississippi and Mexican Gulf Ship — Company and the transferee thereof, dated on or about the 7th June, 1876, and pay over to your orators whatever amount shall be found due by defendant upon taking of said account to each of your orators and to such persons as may properly become parties to this bill ac-

cording to the amount of the said drainage warrants held and proved by them respectively, and that said account included not only the amount and property and value for use actually received by said city, but likewise all such property, taxes, and values which could have been derived from taxation and other sources had she used the proper diligence and the powers vested in her for the collection and realization of the same.

And may it please your honors to grant to your orators the writ of subpœna, directed to the defendant, The City of New Orleans, commanding her to appear and answer hereto and further to stand to, perform, and abide such further order, direction, or decree
1015 therein as shall be agreeable to equity and good conscience — as — your honors may seem meet.

(Signed) MILLER & FINNEY &
BLANC & BUTLER,
Solicitors for John Crossley & Sons, Limited.

Order.

Let the complainants withdraw their replication and let this amended bill be filed and let subpœna issue as prayed for.

New Orleans, La., April 29th, 1886.

(Signed) EDWARD C. BILLINGS, *Judge.*

Intervention of Fred. Wing. Filed Jan'y 20, 1887.

JOHN CROSSLEY & SONS, Limited,
vs.
THE CITY OF NEW ORLEANS. } No. 10337.

Frederick Wing, a citizen of the State of La. and resident of the city of New Orleans, now comes into court, by leave of court first obtained, and with respect represents that he is the holder and owner of eight drainage warrants issued by the city of New Orleans on the 6th of June, 1876, to W. Van Norden, transferee of the Mississippi & Mexican Gulf Ship Canal Co., and by him endorsed
1016 in blank for the sum of $5,000.00 each, and one for the sum of $2,000.00, making a total sum of $42,000, which said warrants were issued in accordance with the provisions of act No. 30 of the session of the General Assembly of the State of La. held in the year 1871, and which said warrants were to be paid on presentation, with 8% per annum in'st from the date of said presentation, and they were presented on the 6th day of June, 1876.

And the administrator of finance of said city was directed to pay said warrants in cash in case there were any funds in the city treasury to the credit of said Mississippi & Mexican Gulf Ship Canal Company, all of which will more particularly appear by reference to said warrants, which will be filed herewith on the trial hereof; that said warrants were issued under the same authority and under the same circumstances and for the same consideration as those detailed

by John Crossley & Sons, Limited, complainant in the above-entitled cause, and are obligations of the same class as those held by them; that said warrants were legally acquired by him for value received; that petitioner is informed that the bill herein filed is a creditor's bill, and he desires to intervene herein for his interest, and is willing to pay his proper portion of the costs of this suit.

That he joins said complainant in all the averments of his bill of complaint as fully as if specially set forth herein.

Wherefore petitioner prays that he be permitted to file this his petition of intervention and become a party complainant herein; that after due proceedings had a decree be rendered in his favor for the full sum of forty-two thousand dollars, with 8% int. 1017 from the 6th day of June, 1876, till paid, and all cost of suit to be paid concurrently with the other creditors herein; that he have all such relief as originally prayed for by complainant herein.

And that a writ of subpœna be directed to the city of New Orleans commanding it to appear on the day and within the delay named before this honorable court, there to answer all and singular the premises aforesaid and to stand to and perform and abide such order as the court may make in the premises.

(Signed) F. L. RICHARDSON, *Of Counsel.*

Order on Petition of Fred. Wing. Entered and Filed 20 *Jan'y*, 1887.

JOHN CROSSLEY & SONS, Limited,
vs.
THE CITY OF NEW ORLEANS. } No. 10337.

This day came Fred. Wing, of the city of New Orleans, La., by F. L. Richardson, his solicitor, and by leave of the court filed his petition praying to be made a party plaintiff in the above-entitled suit upon the terms of sharing costs and benefits of the same, and thereupon it is considered and ordered that Fred. Wing, of the city of New Orleans, be, and is hereby, made a party co-plaintiff in 1018 said suit and be placed upon an equal footing as the original plaintiff therein, and it is further ordered that the said claim of said Fred. Wing be referred by the court to the commissioner to be hereinafter appointed.

New Orleans, 20 January, 1887.

(Signed) EDWARD C. BILLINGS, *Judge.*

Intervening Bill of Complaint of James Jackson. Filed Feb'y 19, 1887.

JNO. CROSSLEY & SONS, Limited,
vs.
THE CITY OF NEW ORLEANS. } No. 10337.

To the judges of the circuit court of the United States for the eastern district of Louisiana:

James Jackson, an alien, brings this his intervening bill of com-

plaint against the city of New Orleans, joining the complainants therein, and thereupon your intervenor, taking on himself all the responsibility of a complainant and his share of liability for costs, says:

1. That he is an alien and a subject of the Queen of Great Britain.

2. That he is the holder and owner of eight drainage warrants issued by the city of New Orleans similar to those described in the original bill. Said warrants amount to $45,000, of which one
1019 is for $10,000, No. 322. The residue are in sums of $5,000 each and are numbered from 323 to 329, both inclusive, and all of said warrants are dated 6 June, 1876, and bear eight per cent. interest from that date. They were issued under the provisions of act No. 30 of 1871 and act No. 16 of 1876 and of the contract thereunder, and are payable to W. Van Norden, transferee of the Mississippi and Mexican Gulf Ship Canal Company, who endorsed the same to complainant, said Van Norden being a citizen of the State of New York; which said acts and contract are fully set forth and described in the original bill of complaint and are adopted as part of this bill.

Wherefore intervenor prays to be allowed to intervene in this cause and to participate in the benefits thereof and to be protected by the decrees and orders herein rendered or to be rendered, and that a writ of subpœna issue to the said city of New Orleans, through its mayor, ordering it to answer this bill, and that said city be adjudged and decreed to pay your intervening orator the sum of forty-five thousand dollars, with 8% interest from 6 June, 1876, and costs; and your orator prays for such other relief as the nature of the case may require.

(Signed) T. J. SEMMES & LEGENDRE,
Sol's for Complainant, James Jackson.

Supplemental Bill. Filed April 7, 1887.

1020 To the honorable the circuit court of the United States for the fifth circuit and district of Louisiana:

Now come John Crossley and Sons, complainants, in their suit against the city of New Orleans, number — of the docket of this court, and with the leave of the court file this amended petition to set forth more fully the title of your orators and the jurisdiction of this court to grant relief and to give more particularity to the allegations in the bill and to claim the full measure of relief to which your orators are entitled against the said city, and thereupon your orators complain and say—

That the warrants referred to in the original bill for work done by the Mississippi and Mexican Gulf Ship Canal Company were issued by the city of New Orleans for work and labor faithfully and well performed, measured, examined, verified, and approved by the said city, acting through its surveyor, engineer, and other officers, and for which work and the amount thereof said surveyor and engi-

neer granted certificates that the work was well and faithfully done, and said certificates and said warrants issued, all in accordance with said act of 1871, and your orators show that the city of New Orleans is not estopped from disputing that said work was done in all respects as the contract of said company required, and that the warrants therefor properly issued and are entitled to be paid.

Your orators show that all the warrants mentioned in the original bill were made payable to W. Van Norden, transferee of the said Mississippi and Mexican Gulf Ship Canal Company;
1021 that said Van Orden endorsed all of said warrants; that thus endorsed your orator acquired all the said warrants as negotiable instruments transferable by delivery, and your orators further show that — the dates when said warrants were so endorsed and acquired by your orator that said Van Orden was and is a citizen of New York and could prosecute his suit in this court against the city of New Orleans upon the said warrants to recover the amount thereof if said warrants had never been endorsed, transferred, and delivered by him and acquired by your orators.

And your orators further show that the said company having expended a large amount of money, time, and industry in purchasing and supplying the engines, pumps, boats, and drainage machinery for said drainage work and in excavating the aforesaid drainage canals and ditches and in building the aforesaid levees, entirely adequate to the drainage of the city, that then the city of New Orleans, under said act No. 16 of 1876, having taken possession of all said property—that is, drainage pumps, boats, machinery, etc., aforesaid—of the company under a promise to pay the company therefor, and having displaced the said company and assumed the entire charge of the drainage of the city, the means therefor being already provided by the company, and having taken on itself the obligation of collecting all said drainage assessments and paying all the warrants issued as aforesaid for drainage work done for the benefit of the city and of its inhabitants and for the property aforesaid of great value, received, used, and at all times and now held by the city, that the city thus became bound to all interested, and especially to all holders of said warrants,
1022 to keep up and maintain at all times the drainage of the city, so that the drainage work faithfully performed by the company and the benefits thereof might be continued and preserved to the owners of said property and to their property, and so that said owners might have no ground of complaint whatever against said assessments and to the payment thereof, and so that the funds derived from said assessments might be on hand for the prompt payment of all said warrants; and now your orators show that if said property holders have any cause of complaint in the premises and if said drainage assessments have not been collected, it is due simply and only to the fault, laches, and disregard of its duty and obligations by the city of New Orleans in the premises, and especially to the impediments already set forth and interposed by the city itself to the enforcement of said drainage assessments, by reason whereof and besides and in addition to the liability and the grounds already

set forth in the original bill your orators charge and aver that the said city of New Orleans has become and is now bound to pay all said warrants held by your orators and by said warrant holders.

Wherefore your orators pray that this supplemental bill be filed, and in addition to the recourse upon all the drainage assessments and the funds to be derived therefrom, and in addition to all relief prayed for in the original bill, and after due proceedings, your orators pray that the city of New Orleans be adjudged and decreed to be liable for and to be condemned to pay the full amount
1023 of all said warrants held by your orators, to wit, four hundred and thirty-six thousand seven hundred and eighty-two dollars and fifty-five cents, with interest thereon and costs, and your orators pray for general relief.

(Signed) FRANK BUTLER,
HENRY C. MILLER,
Solicitors for Complainants.

Order.

Let this supplemental bill be filed as therein prayed for.
(Signed) EDWARD C. BILLINGS, *Judge.*

New Orleans, April 7, 1887.

Demurrer of City to Amended Bill. Filed April 19, 1887.

JOHN CROSSLEY & SONS
vs.
CITY OF NEW ORLEANS. } 10337. In Equity.

In United States Circuit Court for the 5th Circuit and Eastern Dist. of La.

The demurrer of the city of New Orleans to the amended bill of complaint of Jno. Crossley & Sons, complainants.

1024 This defendant, by protestation, not confessing or acknowledging all or any of the matters and things in the said complainants' bill contained to be true in such manner and form as the same are therein and thereby set forth and alleged, do- demur to the said bill and for cause of demurrer shews that the said complainants has not by *his* amended bill made such a case as jentitle *him* in a court of equity to any discovery from this defendant or to any relief against them as to the matters contained in said bill or any of such matters, and that any discovery which can be made by *these* defendant touching the matters complained of in said bill or any of them cannot be of any avail to the said complainants for any of the purposes for which a discovery is sought against this defendant by the said bill nor entitle the said complainants to any relief in this court touching any of the matters therein complained of.

Wherefore, and for divers other good causes of demurrer appear

ing in the said amended bill, this defendant does demur thereto and prays the judgment of this honorable court whether she shall be compelled to make any further or other answer to the said bill, and humbly prays to be hence dismissed with all reasonable costs in this behalf sustained.

(Signed) W. H. ROGERS, *City Att'y.*

J. V. Guillotte, mayor of the city of New Orleans, sworn, says that he is the mayor of the city of New Orleans, and that this
1025 demurrer is not interposed for delay.

(Signed) J. V. GUILLOTTE, *Mayor.*

Sworn to and subscribed before me this 13th day of April, 1887.

[L. S.] (Signed) TH. BUISSON, *Not. Pub.*

I, Walter H. Rogers, solicitor for the city of New Orleans, do hereby certify that in *his* opinion said demurrer is well founded in law.

(Signed) W. H. ROGERS, *Solicitor.*

Order Overruling General Demurrer. Entered and Filed 1st June, 1887.

This cause came on at this term to be heard on the defendant's demurrer to the complainants' amended bill of complaint herein and was submitted; whereupon and upon consideration thereof it is now ordered that the said demurrer be overruled at the costs of the said defendant, and that the defendant have leave within twenty days to demur to all that part of the amended bill except that portion which seeks an accounting or to plead or answer as it may be advised.

New Orleans, June 1, 1887.

(Signed) EDWARD C. BILLINGS, *Judge.*

1026 *Statement Showing Drainage Certificates Issued to Mississippi and Mexican Gulf Ship Canal Co. in Payment for Work Done as per Surveyor's Certificates.*

1871.						
Nov. 18.	Issued	81	drainage	certif'tes	----------	84,270 24
" 29.	"	28	"	"	----------	26,594 25
1872.						
June 30.	"	128	"	"	----------	209,761 61
Aug. 31.	"	8	"	"	----------	72,188 24
Sept. 30.	"	4	"	"	----------	38,252 12
Oct. 31.	"	4	"	"	----------	38,065 75
Nov. 30.	"	4	"	"	----------	28,664 62
Dec. 31.	"	3	"	"	----------	23,417 87
1873.						
Jan. 11.	"	3	"	"	----------	28,585 75
Feb'y 14.	"	3	"	"	----------	27,452 25

1873.						
Mar. 11.	Issued	3	drainage	certif'tes		35,311 50
Ap'l 12.	"	4	"	"		34,872 50
May 10.	"	4	"	"		26,462 12
June 13.	"	4	"	"		26,109 25
July 10.	"	5	"	"		30,442 12
Aug. 20.	"	5	"	"		33,467 62
Sept. 13.	"	5	"	"		31,584 74
Oct. 15.	"	5	"	"		34,085 87
Nov. 15.	"	5	"	"		31,211 75
Dec. 20.	"	5	"	"		23,383 99
1874.						
Jan. 9.	"	26	"	"		70,544 74
Feb'y 13.	"	11	"	"		25,489 50
" 26.	"	16	"	"		11,566 05
Mar. 10.	"	10	"	"		9,921 47
" 14.	"	6	"	"		30,954 62
Ap'l 11.	"	6	"	"		35,052 25
May 14.	"	6	"	"		28,982 37
" 21.	"	3	"	"		6,941 25
June 6.	"	8	"	"		6,500 00
" 11.	"	6	"	"		37,445 74
July 3.	"	6	"	"		9,850 00
July 13.	Issued	5	drainage	certif'tes		34,354 99
1027 Aug. 5.	"	5	"	"		5,600
" 7.	"	6	"	"		39,147 62
Sept. 9.	Issued	7	drainage	certificates		36,504 37
Oct. 31.	"	17	"	"		64,659 80
Nov. 30.	"	6	"	"		38,445 62
Dec. 31.	"	6	"	"		32,244 25
1875.						
Jan. 11.	"	14	"	"		27,669 49
Feb'y 27.	"	16	"	"		30,432 88
M'ch 12.	"	6	"	"		10,154 00
Ap'l 30.	"	15	"	"		69,526 00
May 8.	"	18	"	"		34,095 50
June 11.	"	6	"	"		39,546 25
July 9.	"	7	"	"		33,366 07
Aug. 4.	"	8	"	"		39,608
Sept. 2.	"	14	"	"		39,686 62
Oct. 2.	"	9	"	"		39,879 50
Nov. 19.	"	35	"	"		49,370 12
Dec. 2.	"	21	"	"		26,861 12
1876.						
Jan. 12.	"	14	"	"		24,295 50
Feb'y 16.	"	14	"	"		17,876 25
M'ch 10.	"	6	"	"		10,600
Ap'l 25.	"	23	"	"		25,184 12
May 30.	"	16	"	"		23,319 50

1876.			
June 30.	Issued in conformity with ord. # 3539, A. S., dated May 23rd, 1876, w'ts # 313 to # 392, inclus.	300,000	
" "	in compromise of judg't against the city of N. O. for $24,000 for drainage tax due on N. O. park, w'ts # 393 to 402, inclusive	20,000	00
		$2,297,734	59

1028 172. *Mortgage Certificate in Name of Gilbert Lyman.*

STATE OF LOUISIANA, *Parish of Orleans:*

OFFICE OF RECORDER OF MORTGAGES.

The undersigned, recorder of mortgages for the parish of Orleans, State of Louisiana, certifies that in the records of this office there are no other mortgages standing in the name of Gilbert Lyman and recorded against square No. 187—

1. A lot of ground, with the buildings, &c., thereon, situated in the second district of this city, in square 187, bounded by Custom-House, Villere, Robertson, and Canal streets. Said lot is designated by the No. "three" and measures 42′ 7″ 4‴ front on Custom-House street by 114′ 4″ 0‴ deep.

2nd. A lot of ground, with the improvements, &c., thereon, situated in the same district and square and measuring 40′ 7″ 4‴ front on Custom-House street by 114 feet in depth—

Than the draining privilege.

1st property, 2nd property, B'k 372, 63, Nov. 9, '87. The one he granted in favor of Manuel Cazes to secure the sum of $1,500$\frac{00}{100}$, int., &c., as per act before M. T. Ducros, N. P., dated Nov. 8, '87.

B'k 119, 320	The city tax of		1873,	lot 5		$180	
306, 44			1884,	3		40	
1029 B'k 306, 44	The city tax of		1884,	lot 5		50	
352, 41			1886,	lot 3		50	50
"				5		40	40
391, 77		State	1888,	3 ass'd		2,000	
				5 "		2,500	

4983, B'k 275, fo. 117. Recorded on the 2nd Aug., 1884. The writ one in favor of the State of La., resulting from a writ issued by the criminal dist.' court on the 2nd August, 1884, for the sum of $506 and 25 cents, with interest stipulated in said writ and costs of suit against Gilbert Lyman.

4983, B'k 275, fo. 118. Recorded on the 5th Aug., 1884. The gen'l one in favor of the State of Louisiana, resulting from a judgment rendered by the criminal district court on the 15th July, 1884, for the sum of $500 and — cents with interest stipulated in said judgment and costs of suit against Gilbert Lyman.

4983, B'k 275, fo. 126. Recorded on the 6th Sep't, 1884. The writ one in favor of the State of Louisiana, resulting from a writ issued by the criminal dist. court on *the* September 6th, 1884, for the sum of $500 and — cents, with interest stipulated in said writ and costs of suit against said properties.

9 a. m., New Orleans, January thirty-first, 1889.

[L. S.] (Signed) GEO. GUINAULT, *Rec.*

1030 173. *Mayor's Report of Old Canals Dug Before Transfer to the City.*

NEW ORLEANS, *April* 14, 1871.

Hon. Benj. F. Flanders, mayor.

SIR: I have the honor to say, in reply to your note of this date asking for a statement of the cost of drainage canals made by the board of commissioners, that the document handed you included the running of the dredge-boats, the pay of the engineer, all his assistants, and only then expended in the prosecution of digging the canals; also the cost of the dredge-boats. Annexed is a statement of the whole cost of five canals, amounting to $116,037.71, lifting 421,283 cubic yards, costing $27\frac{78}{100}$ cents per cubic yard.

This statement does not include the salary of the secretary, superintendent, and office expenses, which does not exceed $500 a month.

Very respectfully,

(Signed) W. T. MAYO,
Secretary Board Commissioners Second Draining District.

Cost of Excavations by Commissioners of Second Draining District.

In 1860: Melpomene canal, from Melpomene draining machine to Toledano street, twenty-eight feet at top, twenty-four feet at bottom, three feet deep, five hundred and seventy feet in length, say thirty thousand four hundred and fifty cubic yards, costing $7,496.22, say 24.66 cents per cubic yard.

In 1861: Toledano canal, from Claiborne canal to Carroll-
1031 ton avenue; cleaning out the same, twelve feet wide at top, six feet wide at bottom, and one foot lower than the natural surface of the swamp, twenty-six acres, costing $115 an acre; also four acres of discharging canal, at $375 per acre, with other necessary work on the bank of the canal.

The entire cost was $5,571.96.

In 1862 to 1864: Claiborne canal, from Toledano street to Carrollton avenue, parallel to Mississippi river, forty-four feet wide at top, eight feet deep, seventeen thousand six hundred and thirty-six feet long, say two hundred and thirty-one thousand two hundred and twenty-seven cubic yards of excavation, costing $47,133.38, which is $20\frac{38}{100}$ cents per cubic yard.

In 1865 and 1866: The Doublin canal, from Tenth street, in Carrollton, to the New canal (Julia street), thirty-five feet wide, eight

feet deep, 5,950 feet long, say 63,665 cubic yards of excavation, costing $20,034.96, which is 30 5/10 cents per cubic yard.

In 1867: The Fourteenth street canal, in Carrollton, from the draining machine to the upper line of Carrollton, thirty-five feet wide, eight feet deep, 5,100 feet long, say 54,570 cubic yards of excavation, costing $19,306.20, which is 33½ cents per cubic yard.

In 1868: The Peters Avenue canal, thirty-five feet wide, eight feet deep, 2,700 feet long, costing 37 4/10 cents per cubic yard.

In 1869 and 1870: Upper Line canal, from Fourteenth street to Metairie Ridge, costing 37 4/10 cents per cubic yard.

The average cost of excavating per square yard is twenty-eight cents.

1032 I hereby certify on my honor that the above statement is correct from the books of the commissioners of the second drainage district.

(Signed) W. T. MAYO, *Secretary.*

New Orleans, April 14, 1871.

Recapitulation.

Claiborne canal, forty-four feet wide, eight feet deep, 17,636 — long, contains 229,268 cubic yards, $47,133.38, which is twenty-one cents per cubic yard.

Dublin canal, thirty-five feet wide, eight feet deep, 5,950 feet long, contains 61,704 cubic yards, costing $20,034.96, which is thirty-two and one-fifth cents per cubic yard.

Fourteenth street canal, thirty-five feet wide, 5,100 feet long, contains 52,700 cubic yards, costing $18,306.20, which is thirty-four and three-quarters cents per cubic yard.

Upper Line canal, thirty-five feet wide, eight feet deep, 3,105 feet long, contains 32,085 cubic yards, costing $9,737.77, which is thirty and one-third cents per cubic yard.

Peters avenue canal, thirty-five feet wide, eight feet deep, 2,706 feet long, contains 27,900 cubic yards, costing 10,825.40, which is thirty-nine cents per cubic yard.

Total length, 34,491 —, containing 421,283 cubic yards, which cost $106,037.71; add the cost of dredge-boat, $10,000, making the whole cost of dredging $116,037.71. This amount divided by the number of yards excavated—say 421,383 cubic yards—is 27.78 cents cost per cubic yard for excavating.

1033 174. *Copy of Petition to Revive Judgments — Homologation of Assessment-Rolls in First Drainage District by John Crossley & Sons.*

In the matter of the commissioners of the first drainage district praying for a decree of privilege upon property in said district and for the homologation of the assessment-rolls, etc.

Civil District Court, Parish of Orleans, State of Louisiana., Division E.

No. 5758.

To the Honorable Henry L. Lazarus, judge of division E, civil district court, parish of Orleans, State of Louisiana:

The petition of John Crossley & Sons, Limited, an association duly incorporated and organized under the limited liability acts of Great Britain and Ireland and having its domicile in the city of Halifax, England, respectfully shows—

That your petitioners are holders and owners and pledgees of upwards of four hundred thousand dollars of drainage warrants issued under and in conformity to the provisions of act No. 30 of the session of the General Assembly of the State of Louisiana for the year 1871 and of act No. 16 of the session of that body for the year 1876.

That in and by the acts aforesaid the State of Louisiana has set apart and appropriated the drainage assessments and drainage-tax judgments hereinafter referred to for the purpose of securing the payment of and paying therefrom the drainage warrants held by your petitioners as aforesaid, which said drainage assess-
1034 ments and drainage-tax judgments form a part of your petitioners' contract as holders and owners of said drainage warrants, and in the preservation and enforcement of said drainage assessments and in the maintenance and revival of said drainage-tax judgments your petitioners have a vested right secured from impairment by article 110 of the constitution of the State of Louisiana of the year 1868, article 155 of the constitution of said State of the year 1879, and article 1, section X, of the Constitution of the United States, which right is sought to be impaired by the city of New Orleans by its neglecting and refusing to take the necessary steps to enforce and maintain such rights as it bound itself to do in its contract with the parties to whom said warrants were issued.

Petitioners further show that in conformity to the decree of the supreme court of the State of Louisiana in the matter of the commissioners of the first drainage district, praying, etc., No. 4338 of the docket of said court, its mandate was duly recorded in the minutes of the late superior district court of the parish of Orleans, No. 25935 of its docket, on the 21st day of March, 1874, in the words and figures following, to wit:

In the matter of the commissioners of the first drainage district praying for the homologation of the assessment-roll, etc.

In this case, an appeal having been taken to the supreme
1035 court of Louisiana, the decree of said court was this day filed and ordered to be recorded and is as follows: It is therefore ordered that the judgment appealed from be reversed, and that the oppositions herein be dismissed at the cost of the opponents, respectively; and it is further ordered that the assessment-roll herein, except that portion designated as Book No. 2 B on said roll, be, and is hereby, approved and homologated, and this approval and homologation shall operate as a judgment against the property described as assessed in said roll, and also against the owner or owners thereof, with ten per cent. in addition to the amount assessed to pay costs and counsel fees. The case having been reopened on rehearing for certain restricted purposes, the following amendatory decree was rendered on the 9th February, 1874:

"It is therefore ordered that the rehearing asked for by the estate of Davidson be refused; and it is further ordered that our decree herein be amended by striking therefrom the phrase 'except that portion designated in Book No. 2 B;' that the said portion of the assessment-roll be embraced in this judgment of homologation, and that as thus amended the said decree remain undisturbed."

That for greater certainty petitioners refer to the aforesaid judgments and make the same a part of this petition, together with the plan and assessment-rolls of the first drainage district, which underlie and make the basis of the aforesaid judgments.

Wherefore your petitioners, without waiving or abandoning any rights or privileges accorded by the aforesaid judgments, pray that the several parties named and designated in the aforesaid assessment-roll of the first drainage district and the owners of
1036 all property referred to therein, known or unknown, may be cited according to law and required to show cause, within thirty days from the first publication of the order of citation herein, if any they have or can, why the aforesaid judgment should not be recognized and declared to be revived and possessed of their original force and effect.

That an attorney *ad hoc* may be appointed to represent any and all of the defendants in the aforesaid assessment-roll, plan, or judgments that may be unknown, absent, or not represented; that the said attorney *ad hoc* may also be cited to appear and answer this petition; that this cause may be proceeded in according to law, and that petitioners have such other and further order, judgment, and decree as may be suited to law and the nature of this case.

(Signed) MILLER & FINNEY,
BLANC & BUTLER, *Attorneys.*

In the matter of the commissioners of the first drainage district praying for a decree of privilege, etc., and for homologation of assessment-roll, etc.

Civil District Court, Parish of Orleans, Division E.

No. 5758.

Upon reading the foregoing petition for the revival of the decree and judgment of the supreme court of Louisiana homologating the assessment-roll of the first drainage district, it is hereby or-
1037 dered that notice of said application be published and given in conformity to law. It is further ordered that the several parties named and designated on the assessment-roll aforesaid and the owners of all property referred to therein, known or unknown, show cause within thirty days after the first publication of this order, if any they have or can, why the said decree and judgment of homologation of the assessment-roll of the first drainage district should not be revived and held to possess its original force and effect.

It is further ordered that H. B. Kelley, Esq., be, and he is hereby, appointed attorney *ad hoc* to represent all the defendants in the aforesaid judgment who are unknown, absent, and not represented, and that the said attorney *ad hoc* be cited and served with a copy of the petition for revival herein.

New Orleans, Louisiana, February 20th, 1884.

(Signed) HENRY L. LAZARUS, *Judge.*

175. *Statement Showing Pieces of Property in the Various Drainage Districts Seized by the Sheriff and Advertised for Sale by said Sheriff and the Results Obtained.*

Date of sale.	District.	Name of party against whom issued.	Result.
1875.			
Sept'r 1	3	Michael Diedtrich	Satisfied Sept. 1, 1875.
	3	D. B. Macarty	Stayed Aug. 14, 1875.
4	1	John McVittie	Settled Aug. 11, 1875.
	1	E. J. Hart	Settled August 7, 1875.
1038	2	Williamson Terry	Settled August 5, 1875.
	1	F. W. Bobinger	Not sold for want of bidders.
	3	J. E. Jacquet	Not sold for want of bidders.
1875.			
Sept. 7	2	Consolidated Ass't'n of Planters of La.	Stayed Sept. 3, 1875; $500 on acc't.
	3	D. B. Macarty	Stayed August 14, 1875.
	3	John Bietry	Settled Sept'r 2, 1875.
	2	Maurice Abrams	Not sold for want of bidders.
	3	Mrs. Pauline Bietry	Settled Sept. 2, 1875.
	3	P. Avegno & P. Avegno, Jr.	Not sold for want of bidders.
"	------	" "	"
"	------	" "	"
"	------	" "	"
10	1	A. Denis.	
	3	Arthur W. Groswold.	
	1	Alfred A. Pray.	
14	3	Firmin Levasseur.	Settled Aug. 20, 1875.
	1	C. Morel	Stayed Aug. 16, '75, by city att'y.
	2	Polycarpt Fortier	Stayed Aug. 17, '75, by injunction.
1875.			
14	1	Francis Ecrot	Not sold for want of bidders.
	2	Francis Fernandez	Satisfied Sept. 14, '75.
	3	Antoine Giraud	Not sold for want of bidders.
	2	Fred. Frye	"
	3	J. Jacquet	"
	2	Jesse Albert	"
	1	Thos. Kiernan	"
20	3	G. P. Blancard	Settled Sept. 18, 1875.
1039	1	M. M. Benachi	Settled Sept. 16, 1875.
	3	John Flathers	2
	3	Mrs. Arthur Hauck	Stayed Sept. 7, '75, %.
	3	Starntlas Plassan	Settled Sept. 16, '75.
	3	Caspar Lusse	20, 1875.
	3	P. S. Wiltz	Sold "
	3	Gabriel Levasseur	"
	1	Carondelet Canal Navigation Co.	Not sold for want of bidders.
	3	Jos. O. Theard	"
	2	J. J. Corsen	"
22	3	Louis Fix	Settled Aug. 21, 1875.
	3	Joseph Fuentes	Sold September 22, '75.
	2	L. E. Forstall	Not sold for want of bidders.
	1	F. M. Fisk	"
	3	John L. Llambias	Sold Sept. 22, 1875.
	1	H. F. Sturken	Stayed Aug. 23, '75, by city att'y.
28	3	Joseph Dubue	Sold Sept. 28, 1875.
	1	Chas. Jaeger	Not sold for want of bidders.
	3	Joseph Magoni	Settled Sept. 27, 1875.

Statement Showing Pieces of Property in Various Drainage Districts, &c.—Continued.

Date of sale.	District.	Name of party against whom issued.	Result.
1875.			
Sept. 28	1	John Slidell	Stayed Sept. 25, '75, by injunction.
Oct. 5	1	Francois Avegno	Sold Oct. 5, 1875.
	1	Mde. De Pontalba	Stayed Sept. 25, '75, by injunction.
	1	Andrew Hoffman	Settled Sept. 7, 1875.
	3	Pierre Malochee	8
	3	Thos. Quilter	Oct. 5
1040	1	John Saddler	4
1875.			
Oct. 5	1	Frank Sharp	Sold October 5, 1875.
	1	John Slidell	Stayed Sept. 25, '75, by injunction.
7	3	Ludger Boquille	Not sold for want of bidders.
	3	B. Abadie	Sold Oct. 7, 1875.
	1	James Davern	Stayed Oct. 7, '75, by city att'y.
	1	George Foster	Sold October 7, 1875.
	1	George Weightman	Settled October 4, '75.
15	3	G. Curto	Stayed Oct. 7, '75, by city att'y.
	1	Elizabeth S. Durel	Sold October 15, 1875.
	3	John Jerrison	Settled Sept. 15, '75.
	1	R. T. Herr	Stayed Oct. 12, '75, by city att'y.
	1	W. S. Pickett	Not sold ; no bid.
	3	Joseph Littiere	Sold October 15, 1875.
20	1	G. A. Holt	Not sold for want of bidders.
22	1	P. Deverges	Sold October 22, 1875.
	1	G. A. Freret	Not sold ; no bid.
	1	Jean Lacoste	"
	1	James McVittie	Settled Oct. 19, 1875.
	1	C. Staonfelis	Sold October 22, '75.
	1	Mrs. Prague	Sold "
	2	John H. Pearson	Stayed Oct. 1, '75, by injunction.
27	1	Louis Adams	Settled October 15, '75.
27	1	Hyacinth Bertis	Sold Oct. 27, 1875.
	3	J. Bolieu	"
	1	Henry Bur	"
	2	C. De Chriseul	Not sold ; no bid.
	1	George Gottschalk	Settled Oct. 26, '75.
1041	1	J. M. Hoyle	Settled Oct. 26, '75.
	3	M. G. Kennedy and wife	Sold Oct. 27, '75.
	1	Barth. Movera	Stayed Oct. 27, '75, by injunction.
	3	J. G. Pelhoper	Sold Oct. 27, 1875.
	1	Wm. Redmond	"
	1	C. M. Randall	"
30	3	Etienne Agnaud	Oct. 30, '75.
	1	John Reechart	"
	1	Mrs. B. Himel	"
	1	H. L. Stone	"
	1	C. Schmidt	
	1	E. J. Smith	
	1	M. C. Stevens	
	1	W. P. Coleman	
Nov. 4	1	James Fanmie	Nov. 4
	1	W. A. Freret	
	1	Chas. Jeager	
	1	M. J. Keenan	
	1	Eugene Lansere	
	1	J. H. O'Connor	
	1	James Pickles	

Statement Showing Pieces of Property in Various Drainage Districts, &c.—Continued.

Date of sale.	District.	Name of party against whom issued.	Result.
1875.			
	1	John C. Stewart	
	1	George Weightman	Sold Nov. 4, 1875.
Nov. 5	3	Ursin Deslande	Stayed Oct. 12, '75, by city att'y.
	1	J. G. Ellis	Sold Nov. 5, 1875.
	1	J. B. Glandin	Settled Oct. 20.
1042	3	J. B. Montane	Settled Oct. 18.
1875.			
Nov. 8	3	Jean Bordes	Settled Nov. 2, 1875.
	1	T. A. D. Cazenave	Sold 8
	3	John L. Gubernator	"
	2	W. G. Hodge	"
	1	George L'Hote	Settled October 22, '75.
	3	H'y Larquie	27
	3	Aug. Willoz	Nov. 9.
12	3	C. V. Foulon	"
	3	John Grayer	Oct. 18.
	3	Mrs. Benj. S. Harrison	Sold Nov. 12.
	1	H'y Schneider	"
	1	Adam Spies	"
	3	Robert White	Settled Oct. 25.
17	3	P. Avegno, Jr.	Sold November 17th.
	1	B. Lawrence	Stayed Oct. 16, '75, by city att'y.
	1	Francois Lacroix	" Nov. 8, '75, by prohibition.
	3	P. H. Monsseaux	Settled Oct. 26, '75.
	1	"	"
	1	Jacob Ott	Stayed Oct. 23, '75, by city att'y.
22	1	John Campbell	Not sold; no bid.
	1	M. Egan	Stayed Nov. 5, '75, by W. Van Norden.
	1	Chas. Ross	" Oct. 25, '75; p'd %.
	3	Albert Schaddeli	Settled Nov. 22, '75.
	3	H. T. Simon	Stayed Oct. 30, '75, by E. S. W.
	1	Conrad Thomas	Not sold; no bidders.
24	1	W. H. Compton	"
1043	1	Peter Casserly	"
1875.			
Nov. 24	3	Ignatz Heck	Not sold; no bidders.
	1	A. Leonard	Settled Nov. 20, '75.
	3	Jane Robinson	Not sold; no bidders.
	1	Achille Paquere	Stayed Nov. 25, '75, by city att'y.
30	3	Julien Camp	Sold Nov. 30, '75.
	3	Aime Deschamps	"
	1	M. Elliot	Not sold; no bidders.
	3	Joachim Vioka	Sold Nov. 30, '75.
	3	Walter E. Way	"
Dec. 2	3	Bertrand Dintram	Settled Nov. 3, '75.
	3	John Fallon	6, '75.
	3	L. Florena	Sold Dec. 2, 1875.
	1	J. R. Jones	Settled Nov. 3, '75.
	3	Theo. Veau	Sold Dec. 2, '75.
	3	Henry Warham	Settled Nov. 10, '75.
6	1	R. Barry	Settled Dec. 15.
	2	Js. W. Ellis	Not sold; no bidders.
	1	J. Ellis	"
	3	Wid. B. Fleitas	Settled Dec. 7, 1875.
	1	Grand Lodge of La.	Stayed Nov. 30, '75, by injunction.

Statement Showing Pieces of Property in Various Drainage Districts, &c.—Continued.

Date of sale.	District.	Name of party against whom issued.	Result.
1875.			
	1	Benj. Harrison	Not sold; no bidders.
	1	Odd Fellows' Rest	"
Dec. 7	2	E. L. E. Bonnet	"
	2	Joh. Connolly	Stayed Nov. 25, '75, by city att'y.
	2	Thos. Dunn	Not sold for want of bidders.
	1	M. Elliot	Sold Dec. 7, 1875.
	3	F. Fernandez	Settled Dec. 4, '75.
	2	J. A. Haggerty	Not sold; no bidders.
1044			
1875.			
Dec. 7	1	Charles Job, C. & J. Cohen	Sold Dec. 7, '75.
	1	D. Urquhart	"
10	1	H. M. Benachi	"
	2	H. D. and W. H. Coleman	"
	2	Fx. Deichelbohrer	"
	1	T. V. Labarre	"
	2	Louis Mathé	Settled Nov. 29, '75.
	3	S. Plassan	18
	1	Jacob Olt	Sold Dec. 10, '75.
	1	B. Talamon	Settled Nov. 17.
	1	Jas. Wright	19
13	1	Louis Connier	Sold Dec. 13.
	1	Peter Calvin	Settled Nov. 16.
	1	L. E. Forstall	Dec. 13.
	1	F. Keeling	Stayed Dec. 13, '75, by city att'y.
	1	Barney Monagan	Settled Nov. 16, '75.
	1	D. Meagher	Not sold; no bidders.
	1	Pierre Pontz	"
	1	Thos. Quinon	"
	1	John Youger	"
15	1	S. Anglado	"
	1	John Bridge	Settled Dec. 3, '75.
	1	William Deanne	Not sold; no bidders.
	1	John Douglas	Settled Nov. 13, '75.
	1	G. A. Freret & C. A. Twitchell	Not sold; no bidders.
	1	Miss C. Glaudin	"
	1	L. Millaudon	"
1045			
1875.			
Dec. 15	1	John O'Donnell	Stayed Nov. 17, '75, by injunction.
	1	H. J. Ranmy	Settled Dec. 15, 1875.
17	3	Jean Bartlet	Not sold; no bidders.
	1	John Davis	"
	1	Leslie Dean	"
	3	Henry Jones	"
	3	J. Long	"
	1	Richard Murphy	Settled Dec. 10, '75.
	3	J. J. Puchot	Not sold; no bidders.
	1	Geo. Schreiver	"
	1	Mrs. C. Stevens	"
21	2	Consolidated Ass't'n of Planters of La.	Stayed Dec. 18, '75; $500 %.
	1	W. DeLacey	Not sold; no bidders.

Statement Showing Pieces of Property in Various Drainage Districts, &c.—Continued.

Date of sale.	District.	Name of party against whom issued.	Result.
1875.			
	1	Wm. Forgay	Not sold; no bidders.
	1	Louis Hurley	"
	1	H. M. Veline	"
	1	William McCullough	"
	1	John Murdock	"
	1	J. O'Donnell	"
	1	Ed. Sparrow	"
Dec. 22	1	David Barbour	"
	3	Mrs. Alphonse Bougere	"
22	3	Theodule Christian	Not sold; no bidders.
	1	Maurice Fitzgerald	Settled Nov. 22, '75.
	1	Stephen Jones	Not sold; no bidders.
	1	John Raindford	"
1046			
1875.			
Dec. 22	1	James Ross	Not sold; no bidders.
	1	Bernard Scanlan	"
	1	Henry Wesinbach	"
24	3	L. C. A. Billand	"
	3	Mrs. Alphone Bougere	Settled Dec. 23, '75.
	3	Mrs. P. A. Charbonet	Nov. 30
	3	James Cragg	Not sold; no bidders.
	1	William Cullman	"
	3	Wm. Heitman	"
	3	J. B. Relin	"
	1	Michael Roy	"
	1	Xavier Simeon	"
27	3	J. F. Cullen	"
	1	Hennan Hulther	Settled Dec. 22, '75.
	3	Geo. H. Janning	21
	3	James Kennedy	
	3	George Kochel	24
	3	John Koenig	Stayed Dec. 24, '75; costs p'd.
	3	J. E. Koepler	Settled Dec. 9, '75.
	3	Philip Steltz	27
29	2	Charles Bogel	1
	10	Dominique Call	Stayed Dec. 10, '75, by city att'y.
	3	Jean A. Castanedo	Settled Nov. 30, '75.
	2	J. Elstrod	Not sold; no bidders.
	1	Timothy Farrell	Settled Dec. 1, '75.
	2	E. Guillotte	Sold Dec. 29, '75.
	2	R. Hitherton	Settled Dec. 15, '75.
1047			
1875.			
Dec. 29	2	Peter Kline	Not sold; no bidders.
	2	J. F. Laizer	"
1876.			
January 3	3	Jean Despaux	"
	3	P. G. & H. Dupin	"
	3	Thos. Limerick	"
	1	D. B Penn	"
	3	M. A. Peyroux	Stayed Jan. 3, '76, by city att'y.
	2	Sam'l W. Rawlins	Settled Dec. 30, 1875.
	2	William Scanlan	Not sold; no bidders.
	3	Mrs. H'y Smith	Settled Dec. 13, 1875.
	2	E. Troisgros	Not sold; no bidders.
4	3	Louis Artidore	"

Statement Showing Pieces of Property in Various Drainage Districts, &c.—Continued.

Date of sale.	District.	Name of party against whom issued.	Result.
1876.			
	3	Dietrich Feil	"
	3	Theodore Guyol	"
	2	John McRoberts	Settled Dec. 21, '75.
	2	J. W. Price	Not sold; no bidders.
	2	George Spitzfadden	"
	2	Frank Vondershanck	Settled Dec. 7, '75.
1879.			
May 3	4	Stoddart Howell	Stayed May 3, '79, by injunction.

I certify the foregoing to be a true and correct extract from the books of the civil sheriff, parish of Orleans.

New Orleans, May 15, 1888.

(Signed) A. E. AUBURTIN, *D'y Sh'ff.*

1048 176. *Agreement Before the Master of January* 30, 1889, *as to Time for Filing Exception to Master's Report.*

NEW ORLEANS, *January 30th*, 1889.

JAMES W. PEAKE
vs.
THE CITY OF NEW ORLEANS.

Pursuant to adjournment, the parties met at the office of O. B. Sansum, master, 52 Camp street, city of New Orleans, at 3 o'clock p. m., this day, the complainant being represented by Richard De Gray, Esquire, and the defendant by Carleton Hunt, White & Saunders, & H. H. Hall, Esquires; and it being made to appear by the defendants that they were not ready to proceed with their evidence in the case, and upon assurance to the master that they will endeavor to proceed with the case to-morrow at 1 o'clock p. m., as also that they will abridge the time for filing exceptions to the master's report, if any report should be made against them, to 10 days, the master orders that the case be continued to to-morrow at 1 o'clock p. m.

January 30, 1889.

(Signed) O. B. SANSUM, *Master.*

177. *Ordinance No.* 2128, *A. S., City of New Orleans.*

1049 MAYORALTY OF NEW ORLEANS,
CITY HALL, *May* 14, 1873.

(No. 2128, administration series.)

An ordinance relative to drainage assessments in the fourth drainage district of the city of New Orleans and the collection of the same, with interest, attorney's fees, commissions, and costs.

Be it ordained, That the drainage assessment made upon lands of the fourth draining district under ordinance No. 1877, administration series, adopted November 19, 1872, and confirmed by judgment of the superior district court on the fifteenth of March, 1873, was made under and by virtue of the acts of the General Assembly therein cited, and that the said assessment of a drainage tax of two mills per superficial foot for drainage purposes, with interest at the rate of six per cent. per annum from the thirtieth day of January, 1873, ten per cent. attorney's commissions and costs, must be understood and construed as payable in ten annual installments, the first due within the year commencing January 30, 1873, and one in each and every year thereafter until all shall have been paid.

Be it further ordained, That the tax, interest, costs, etc., when collected shall be paid out only for the construction of levees or canals in said fourth drainage district for other works of drainage and protection by which the lands of said district may be protected or drained or for other legal and necessary costs and services connected therewith.

Adopted by the council of the city of New Orleans May 13, 1873.

Yeas—Brewster, Calhoun, Fitzenreeter, Lewis, Schneider, Strucken, Turnbull.

LOUIS A. WILTZ, *Mayor.*

A true copy.

DANIEL SCULLY, *Secretary.*

(Here follow tables marked pages 1050, 1051, 1052, 1053, 1054, 1055, 1056, and 1057.)

1057½ Circuit Court of the United States, Eastern District of Louisiana.

JAMES WALLACE PEAKE, Appellant,
versus
CITY OF NEW ORLEANS, Appellee;
MARY J. MITCHELL and JAMES JACKSON, Intervening Complainants, Appellants.
} No. 11614.

Volume IV.

1058 *Entry of Note of Evidence of City.*

Extract from the Minute Book, April Term, 1889.

NEW ORLEANS, FRIDAY, *May 24th*, 1889.

Court met pursuant to adjournment.

Present: Hon. Don A. Pardee, circuit judge.

JAMES W. PEAKE
vs.
CITY OF NEW ORLEANS.
} No. 11614.

On motion of Carleton Hunt, city attorney, it is ordered that the city of New Orleans, defendant herein, have leave to file the note of evidence presented to this court this day by said defendant as of the date on which the case came on for hearing, viz., May 20th, and that the same be entered of record, and it is as follows:

The defendant in this case offers and files in evidence all the exhibits, documents, papers, and statements exhibited and filed in evidence on behalf of the city before the master as shown by his report, and particularly the following documents numbered in the master's minutes as follows, to wit:

112. Charter amending canal company. In record.
113. Contract, Van Norden with company.
114. Sale of dredge-boats to Van Norden.
115. Contract, Van Norden with canal company.
1059 116. Statements, collections, drainage tax, and disbursements furnished by city.
117. Statement original assessments.
118. Recapitulation of assessments and amounts collected.
119. Statement gold bonds (total).
120. Statement drainage certificates.
121. Gold bonds for warrants.
122. Red drainage warrant.
123. Copy of receipts for drainage warrants.
124. Ordinance 1484.
125. 1507.
126. 1554.
127. 1563.

127*a*. Red warrant and white warrant from 1872 to 1874.

127*b*. White warrant to June, 1872.

And also statement of writs of *fi. fa.* issued and sales made and proceeds received by Auburtin, deputy sheriff, and marked # 146 in pencil; also statement marked # 178 in pencil, being the corrected statement of the work done as shown by the surveyor's certificates offered on April 23rd, 1889. Defendant also offers in evidence the testimony of all the witnesses examined on behalf of defendant before the master and before the examiner, their testimony being already in the record.

1060 *Defendant's Evidence.*

112. Charter amending canal company.

STATE OF LOUISIANA, }
Parish and City of New Orleans. }

Be it known that on this twenty-seventh day of March, in the year of our Lord one thousand eight hundred and seventy-one, and of the Independence of the United States of America the ninety-fifth, before me, Andrew Hero, Jr., a notary public in and for the parish and city of New Orleans, State of Louisiana, duly commissioned and qualified, and in the presence of the witnesses hereinafter named and undersigned, personally came and appeared the several persons, residents of this city, whose names are hereto subscribed, stockholders or duly authorized representatives of the stockholders of "the Mississippi and Mexican Gulf Ship Canal Company," a duly organized corporate body of this State, domiciled in this city, created by an act passed before H. C. Dibble, a notary in this city, on the sixth day of July, eighteen hundred and eight, who declared that after due notices and publications a general meeting of the stockholders of said company was convened at its office, in this city, on the twenty-seventh day of March inst., for the purpose of making certain changes in the charter of said company and of advising as to the practicability of accepting on behalf of said company the powers and privileges conferred on it by act No. thirty of
1061 the Legislature of this State at its session of this year, entitled "An act to provide for the drainage of New Orleans," which became a law by constitutional limitation, and that at said general meeting stockholders or their duly authorized attorneys representing fifteen hundred and forty-two shares (more than three-fourths of the total number of shares) of the stock of said company unanimously decided and agreed that the said Mississippi and Mexican Gulf Ship Canal Company should accept the powers and privileges conferred on it by the aforesaid act of the Legislature of the State entitled "An act to provide for the drainage of New Orleans," and that article third of the charter of said company should be amended and changed so as to hereafter read and be as follows, viz:

The capital stock of the company is hereby fixed at four millions of dollars, to be represented by two thousand shares of one thousand

dollars each and twenty thousand shares of one hundred dollars each, whereof the present stock of two thousand shares of one thousand dollars each, amounting to two millions of dollars, shall be styled and designated as "canal stock" and be entitled to and alone have and enjoy all the privileges, franchises, rights, and advantages that have accrued or may hereafter accrue to said company under and by virtue of the maintenance and management of the canal originally contemplated by or constructed under the provisions of the charter of said company passed before said notary, Dibble, as aforesaid, and of an act of the Legislature of this State of the session of eighteen hundred and sixty-nine, being No. 116 and entitled "An act to provide State aid in the construction of the Mississippi
1062 and Mexican Gulf ship canal and for the issue of State bonds therefor," which said canal stock shall be in no manner liable or responsible for the contracts or faults of said company under the maintenance and management of said drainage canals or the liabilities and obligations imposed on said company by said act No. thirty of the Legislature of this State of the session of eighteen hundred and seventy-one, entitled "An act to provide for the drainage of New Orleans."

And the remaining twenty thousand shares of one hundred dollars each hereby added to the original stock of said company shall be styled and designated as drainage stock, be alone entitled to and have and enjoy all the franchises, rights, privileges, and advantages conferred or intended to be conferred on said company by the aforesaid act No. thirty of the Legislature of this State entitled "An act to provide for the drainage of New Orleans," or that may hereafter accrue in carrying out the provisions of said law, and shall in no manner be liable for any of the faults or contracts of said company in the maintenance and management of its aforesaid canal from the Mississippi river to Lake Borgne, nor of any of the liabilities or restrictions imposed on said company by its charter as passed before said notary, Dibble.

Each and every share of said canal stock (of par value of one thousand dollars) shall have and receive ten shares of said drainage stock, and the board of directors shall prescribe or enact and adopt such by-laws, rules, and regulations for the future management and regulation of the affairs of said company as may be requisite to provide for such difference in stock, the division of the revenues
1063 of said company arising from said ship or drainage canal to the particular kinds of stock entitled to the same hereunder, and to completely carry out the provisions of this section as hereby amended.

Now, therefore, said appearers hereby formally declare and make known that said Mississippi and Mexican Gulf Ship Canal Company has accepted the powers and privileges conferred on it by said act of the Legislature of this State entitled "An act to provide for the drainage of New Orleans," and that section third of its charter, as passed before said notary, Dibble, is and has been changed or amended so as to read and be as hereinbefore specified, and to these ends they hereby authorize and require the recorder of mortgages in

and for this city and parish to enter and record the aforesaid amendment on the books of his office.

Thus done and passed in my office, at New Orleans aforesaid, in the presence of George Cenas and Paul A. Conand, witnesses, both of this city, who hereunto sign their names with the parties and me, the said notary, the day and date aforesaid.

(Original signed)

1,189 shares, JAMES O. N.,
181 shares, CYRUS BUSSEY,
40 shares, BUSSEY & CO.,
30 shares, LAFAYETTE FOLGER,
30 do. JOHN LYNCH,
13 do. CARLOS WILCOX,
15 do. HERMANN NEW GASS,
By C. WILCOX.
5 do. MOORE, JANNEY & HYAMS.
5 do. JOHN KLEIN,
36 do. ISAIAH GREEN.

1064 P. A CONAND.
GEO. CENAS.

ANDREW HERO, JR., *Not. Pub.*

A true copy of the original on file in my office.
New Orleans, November 29th, A. D. 1888.
[L. S.] (Signed) ANDREW HERO, JR., *Not. Pub.*

113. *Contract—Van Norden with Company.*

STATE OF LOUISIANA, }
Parish and City of New Orleans. }

Be it known that on this twenty-second day of May, in the year of our Lord one thousand eight hundred and seventy-two, and of the Independence of the United States of America the ninety-sixth, before me, Andrew Hero, Jr., a notary public in and for the parish and city of New Orleans, State of Louisiana, duly commissioned and qualified and in the presence of the witnesses hereinafter named and undersigned, personally came and appeared—

Lafayette Folger, president of the Mississippi and Mexican Gulf Ship Canal Company, a duly organized corporate body of this city and State, domiciled in this city, and herein acting in his capacity
1065 as president thereof, under and by virtue of a resolution of the board of directors thereof passed at their meeting held on the twenty-first inst., a duly certified copy of which said resolution is hereto annexed for reference.

Which said Lafayette Folger declared that whereas the work done by said Mississippi and Mexican Gulf Ship Canal Company under the provisions of act No. 30 of the Legislature of this State of the session of 1871 entitled "An act to provide for the drainage of New Orleans is and has been always paid for in warrants, as provided for by section 8 of the aforesaid act, owing to the want of funds in the

city treasury therefor, which said warrants are only convertible in cash at a discount of twenty-five per cent. and more; and whereas the expenditures of said company in constructing and executing the work provided for in said act are and have to be paid in cash, and it has been deemed judicious by the board of directors of said company to make some arrangement by which the necessary cash can be obtained;

And whereas Warner Van Norden, of this city, has agreed to advance and furnish the said Mississippi and Mexican Gulf Ship Canal Company during the ensuing twelve months the sum of one hundred and fifty thousand dollars to meet and discharge the expense in doing said work, upon the condition that he, said Van Norden, shall be paid and reimbursed all sums of money that may be so advanced out of the warrants, money, or other revenues which may be obtained from the city of New Orleans, under the provisions of the aforesaid act No. 30 of the Legislature of this State, and also that said sum of one hundred and fifty thousand dollars shall be given in such instalments as may be deemed necessary as
1066 the work progresses upon the notes or obligations of said company:

Now, therefore, in consideration of the premises, and in order to secure the payment and reimbursement of said loan of one hundred and fifty thousand dollars, together with all interest thereon, that may be furnished and advanced by said Warner Van Norden in the premises, said Lafayette Folger moreover declared, in his said capacity as president and for and on behalf of said Mississippi and Mexican Gulf Ship Canal Company, that he does by these presents transfer, assign, and set over unto the said Warner Van Norden, here present, accepting for himself, his heirs and assigns, all and singular the right, title, interest, claim, and demand of said Mississippi and Mexican Gulf Ship Canal Company in and to the privileges and advantages granted to it under the aforesaid act No. 30 of the Legislature of this State entitled "An act to provide for the drainage of New Orleans," as well as in and to all sums of money, profits, and benefits that may enure or be realized by virtue of the performance and execution of the work therein provided for; and said Lafayette Folger, in his aforesaid capacity, moreover transfers and assigns unto said Warner Van Norden any and all certificates, cash warrants or bills that may be made out and delivered by the surveyor, administrator of public accounts, or other officers of the city of New Orleans for any and all work done or performed by said company under the provisions of said act, hereby authorizing and empowering said Van Norden to demand and receive all such money, warrants, or bills from said surveyor, administrator of public accounts, or other officers and to collect and receive the amount thereof.

1067 Thus done and passed, in my office, in New Orleans aforesaid, in the presence of Paul A. Conand and George Cenas,

witnesses, both of this city, who hereunto sign their names with the parties and me, the said notary, the day and date aforesaid.

(Original signed) LAFAYETTE FOLGER,
President M. & M. G. Ship Canal Co.
GEO. CENAS. W. VAN NORDEN.
P. CONAND. ANDREW HERO, JR., *Not. Pub.*

A true copy of the original on file in my office.
New Orleans, November 29th, A. D. 1888.
[L. S.] (Signed) ANDREW HERO, JR., *Not. Pub.*

114. *Sale of Dredge-Boats to Van Norden.*

STATE OF LOUISIANA, }
Parish and City of New Orleans. }

Be it known that on this twenty-second day of November, in the year of our Lord one thousand eight hundred and seventy-two, and of the Independence of the United States of America the ninety-seventh, before me, Andrew Hero, Jr., a notary public in and for
1068 the parish and city of New Orleans, State of Louisiana, duly commissioned and qualified, and in the presence of the witnesses hereinafter named and undersigned, personally came and appeared Lafayette Folger, the president, and Samuel D. Moody, the secretary, of the Mississippi and Mexican Gulf Ship Canal Company, a duly organized corporate body of this State, domiciled in this city, and herein acting in their said capacities and for and on behalf of said Mississippi and Mexican Gulf Ship Canal Company under and by virtue of a resolution of the board of directors thereof passed at their meeting held on this day, a duly certified copy of which said resolution is hereto annexed for reference.

Which said Messrs. Folger and Moody declared in their said capacities and for and on behalf of said Mississippi and Mexican Gulf Ship Canal Company that for the consideration and on the terms and conditions hereinafter expressed they do by these presents grant, bargain, sell, convey, transfer, assign, and set over, with all legal warranties, unto Warner Van Norden, also of this city, here present, accepting and purchasing for himself, his heirs and assigns, and acknowledging delivery and possession thereof, all and singular the following-described dredge-boats and derricks, together with their machinery, engines, tackle, apparel, and appurtenances and all other necessaries thereto belonging, together with the hereinafter mentioned and described articles of personal property, viz:

Dredge-boat No. 1, with steam-derrick, now lying and being and used and employed in the drainage canal of this city known and designated as the Upper Line canal.

1069 Dredge-boat No. 2, with steam-derrick, now lying and being and used and employed in the drainage canal of this city known and designated as the Orleans street drainage canal.

Dredge-boat No. 3, with steam-derrick, now lying and being or used and employed in the draining canal of this city known and

designated as the Hagan avenue canal, and near the Poydras street draining canal.

Dredge-boat No. 4, with steam-derrick, now lying and being at or near the lake end of the New canal and used or employed in the constructing of the lake protection levee.

Dredge-boat known as the Ridge boat, which was purchased from the city of New Orleans, now lying and being or used and employed in the draining canal of this city known and designated as the Upper Line canal.

Dredge-boat styled the "J. O. Noyes," now lying and being or used or employed in the draining canal of this city known as the Carrollton avenue canal, and near the Poydras street draining canal.

Dredge-boat styled "Clam-Shell dredge," now lying and being or used and employed in the draining canal of this city known and designated as the Upper Line canal.

One barge in said Upper Line canal attached to and working with the aforesaid derrick and dredge-boat No. 1.

Three flat-boats.	Five skiffs.
Ten mules.	Two horses.
One wagon.	Two drays.

The steam-tug "Olive," of the burthen of eight tons or thereabouts, now lying at the lake end.

1070 Blacksmith shops and carpenter shops of said company, with all tools and fixtures thereof.

And all duplicate pieces of machinery.

To have and to hold the aforesaid dredge-boats, derricks, and articles of personal property unto the said Warner Van Norden, his heirs and assigns, forever.

And said Messrs. Folger and Moody, in their said capacities, hereby bind and obligate said Mississippi and Mexican Gulf Ship Canal Company and its assigns to warrant and forever defend the dredge-boats, derricks, and articles of personal property herein conveyed against all legal claims and demands whatever.

This sale is made and accepted for and in consideration of the price and sum of fifty thousand dollars, which has been settled in the manner following, viz: Whereas the said Mississippi and Mexican Gulf Ship Canal Company is justly and truly indebted unto said Warner Van Norden in the full sum of one hundred and sixty-one thousand nine hundred and sixty-two dollars and eighty-six cents, amount of moneys heretofore advanced and furnished by him to the said company to enable it to do and perform the work provided for under act No. 30 of the Legislature of this State for the year 1871: Now, therefore, in full settlement and liquidation of said purchase price the said Warner Van Norden hereby gives and grants the said Mississippi and Mexican Gulf Ship Canal Company an acquittance and discharge to the extent and amount of fifty thousand dollars on account of its said indebtedness, reserving in full force and effect all his claims, rights, and privileges for the balance

remaining unpaid of said indebtedness, with which said
1071 partial release said Messrs. Folger and Moody declare the said Mississippi and Mexican Gulf Ship Canal Company to be satisfied, contented, and paid, and in their said capacities hereby grant said Van Norden a full acquittance and discharge in the premises.

This done and passed in my office, at New Orleans aforesaid, in the presence of George Cenas and Paul A. Conand, witnesses, both of this city, who hereunto sign their names with the parties and me, the said notary, the day and date aforesaid.

(Original signed) L. FOLGER, *President.*
S. D. MOODY, *Sec.*
P. A. CONAND. W. VAN NORDEN.
GEO. CENAS. ANDREW HERO, JR., *Not. Pub.*

A true copy of the original on file in my office.
New Orleans, November 28th, A. D. 1888.
[L. S.] (Signed) ANDREW HERO, JR., *Not. Pub.*

115. *Contract—Van Norden with Canal Company.*

STATE OF LOUISIANA, }
Parish and City of New Orleans. }

Be it known that on this twenty-third day of November, in the year of our Lord one thousand eight hundred and seventy-
1072 two, and of the Independence of the United States of America the ninety-seventh, before me, Andrew Hero, Jr., a notary public in and for the parish and city of New Orleans, State of Louisiana, duly commissioned and qualified, and in the presence of the witnesses hereinafter named and undersigned, personally came and appeared Warner Van Norden, of this city, party hereto of the one part, and Lafayette Folger, president, and Samuel D. Moody, secretary, of the Mississippi and Mexican Gulf Ship Canal Company, a duly organized corporate body of this State, domiciled in this city, and herein acting in their said several capacities and for and on behalf of said company under and by virtue of a resolution of the board of directors thereof passed at their meeting held on the twenty-second day of the present month, a duly certified copy of which said resolution is hereto annexed for reference, party hereto of the other part.

Which said parties declared that they had contracted and agreed, and do by these presents mutually contract and agree, and bind and obligate themselves, the one party unto the other, as follows, viz:

Said Van Norden hereby promises and binds and obligates himself to excavate all the drainage canals, build or construct all the protection levees, and do and perform all the work required of said Mississippi & Mexican Gulf Ship Canal Company within the present corporate limits of the cities of New Orleans and Carrollton, under the provisions of act No. 30 of the Legislature of this State for the year

1871, entitled "An act to provide for the drainage of New
1073 Orleans," and to these ends to furnish, use, and employ, at his own cost and expense, the requisite number of men, all dredge-boats and derricks, with their tackle, apparel, and appurtenances, and all machinery, tools, apparatus, and other fixtures that may be deemed necessary.

And in consideration of the premises and of the faithful compliance of said Van Norden with all the conditions above imposed upon him said Folger and Moody, in their said capacities and for and on behalf of said Mississippi and Mexican Gulf Ship Canal Company, hereby promise for and bind and obligate the said Mississippi and Mexican Gulf Ship Canal Company to pay and allow said Warner Van Norden, his heirs and assigns—1st, the sum of fifteen thousand dollars in lawful money of the United States for and during each and every month that may elapse from and after the first day of November, A. D. 1872, until the full and final completion of all the work provided for in said act No. 30 of the Legislature of this State for the year 1871, entitled "An act to provide for the drainage of New Orleans;" and, 2nd, a commission of two and a half per centum on the amount of all monies that may hereafter enure to or be received by said Mississippi and Mexican Gulf Ship Canal Company under the provisions of the aforesaid act No. 30 of the Legislature of this State, entitled "An act to provide for the drainage of New Orleans."

And it is further understood and agreed to by and between the parties hereto that said Van Norden shall have and receive said monthly sum of fifteen thousand dollars and the aforesaid commission of two and a half per cent. at the end of each and every month out of the revenues and monies that may be had and
1074 obtained by said Mississippi and Mexican Gulf Ship Canal Company under the provisions of the aforesaid act No. 30 of the Legislature of this State for the year 1871, entitled "An act to provide for the drainage of New Orleans;" that after deducting twenty per cent. of the remainder of said revenues and monies for the payment of other creditors of said Mississippi and Mexican Gulf Ship Canal Company the residue of said revenues or monies shall be applied to the extinction and settlement of the indebtedness now due and owing by said Mississippi and Mexican Gulf Ship Canal Company under the provisions of an act passed before the undersigned notary on the twenty-second day of May, eighteen hundred and seventy-two, viz., one hundred and eleven thousand nine hundred and sixty-two dollars and eighty-six cents.

And it is understood and agreed by and between the parties hereto that in the event of any of the dredge-boats or derricks of said Van Norden being disabled or permanently stopped from said work a deduction corresponding with the actual running expenses and repairs of such boat shall be made and allowed by said Van Norden to said Mississippi and Mexican Gulf Ship Canal Company on account of said monthly sum of fifteen thousand dollars and commission of two and a half per cent.; that the said Mississippi and Mexican Gulf Ship Canal Company shall pay and allow interest at the

rate of eight per cent. per annum on the amount of the indebtedness under the provisions of the aforesaid contract passed before me, notary, on the twenty-second day of May, 1872, until the final payment thereof; that the herein-specified payments shall be made on the basis of the actual market value of all certificates,
1075 warrants, and other evidences of indebtedness that may be received from the city of New Orleans under the contract with said city of New Orleans, and that from and after this date the said Van Norden shall not be called upon or liable to make any loans or advances of any kind or nature whatsoever unto the aforesaid Mississippi and Mexican Gulf Ship Canal Company.

Thus done and passed, in my office, at New Orleans aforesaid, in the presence of Paul A. Conand and George Cenas, witnesses, both of this city, who hereunto sign their names with the parties and me, the said notary, the day and date aforesaid.

(Original signed) L. FOLGER, *President.*
S. D. MOODY, *Sec.*
P. A. CONAND W. VAN NORDEN.
GEO. CENAS. ANDREW HERO, JR., *Not. Pub.*

A true copy of the original on file in my office.
New Orleans, November 28th, A. D. 1888.

[L. S.] (Signed) ANDREW HERO, *Not. Pub.*

116. Statements collections drainage tax and disbursements, furnished by city. (Copied at page — of this transcript.)

117. Statement original assessments. (Copied at page — of this transcript.)

1st d'g dist.	Original assess't against individuals	477,883 39		1st. Collected 1st d'g dist. by board com. 1st d'g dist. in asylum property, &c.		171,239 11
Do. do.	do. do. do. do. city streets & property	273,518 41	751,401 80	Collected by board com. 1st d'g district from individuals	79,448 67	
2nd d'g dist.	do. do. do. individuals	392,066 04		Collected by the city from 1871 to 1876 from individuals	72,296 48	
Do. do.	do. do. do. city streets & property	153,334 31	545,400 35	Collected by the city from 1876 to Oct., 1888, from individuals	18,415 42	170,160 57
3rd d'g dist.	do. do. do. individuals	422,572 14				341,399 68
Do. do.	do. do. do. do. city streets	205,026 79	627,598 93	2nd. Collection in 2nd d'g dist. by board com. 2nd d'g dist. from individuals	255,492 95	
4th d'g dist.	do. do. do. individuals	215,460 04		Collection by the city from 1871 to 1876 from individuals	25,017 65	
Do. do.	do. do. do. city streets	65,956 77	281,416 81	Collection by the city from 1876 to Oct., 1888, from individuals	17,610 65	298,121 25
				3rd. Collection in 3rd d'g dist. by the city from 1871 to 1876 from individuals	69,974 30	
	Total assess't		2,205,917 89	Collection by the city from 1876 to Oct., 1888, from individuals	30,144 35	100,118 65
	Total assessment against individuals in the four districts		1,507,981 61	4th. Collection in 4th d'g dist. by the city from 1873 to 1876 from individuals	21,956 70	
	Total assessment against the city in the four districts		697,936 28	Collection by the city from 1876 to Oct., 1888, from individuals	17,989 30	39,946 00
			2,205,917 89			779,585 58

Recapitulation.

Am't collected in cash from June, 1871, to July, 1876		78,748 51	
Am't collected in warrants from July, 1871, to July, 1876		151,174 18	
			229,922 69
Am't collected in cash from July, 1876, to Oct., 1888		40,943 21	
Am' collected in warrants from July, 1876, to Oct., 1888		64,688 79	
			105,632 00
Total in cash & warrants			$335,554 69

1078 119. Statement gold bonds (total). (Copied at page 757 of this transcript.)

120. Statement drainage certificates. (Copied at page 1026 of this transcript.)

121. Gold bonds for warrants. (Copied at page 764 of this transcript.)

1079 122. *Red Drainage Warrant.*

No. —. DEPARTMENT OF PUBLIC ACCOUNTS,
$—. NEW ORLEANS, —— —, 187–.

To the administrator of finance, city of New Orleans:

Pay to the order of W. Van Norden, transferee of the Mississippi and Mexican Gulf Ship Canal Company, — and $\frac{}{100}$ dollars out of any funds in the city treasury to the credit of said company.

This warrant is issued in accordance with the provisions of act 30 of the sessions of the General Assembly of the State of Louisiana, held in the year 1871, and the administrator of finance, on the presentation to him of this warrant, will pay the same in cash in case there be any funds in the city treasury to the credit of the said Mississippi and Mexican Gulf Ship Canal Company; but should there not be sufficient funds to cash this warrant, then the administrator of finance is required to endorse upon the same the date of its presentation, and this warrant shall bear interest at the rate of eight per cent. per annum from and after the date of such presentation and endorsement until paid.

Charge Mississippi and Mexican Gulf Ship Canal Company.

—— ——,
Administrator of Public Accounts.

Presented for payment —— —, 187–.

—— ——,
Administrator of Finance.

1080 123. Copy of receipts for drainage warrants, copied at page 822 of this transcript.

124. *Ordinance No.* 1484.

MAYORALTY OF NEW ORLEANS,
CITY HALL, *April* 30, 1872,

(No. 1484, administration series.)

An ordinance authorizing the issue of certificates redeemable in seven per cent. bonds.

SECTION 1. Be it ordained by the council of the city of New Orleans, That in all settlements authorized hitherto or hereafter to be made by the mayor and administrator of finance in new consolidated bonds they shall determine the price of exchange, subject to

the limits laid down by law, except where the council, by ordinance, may have determined or otherwise regulated the same.

SEC. 2. Be it further ordained, etc., That upon such settlement made by the mayor and administrator of finance or ordered or authorized by the council the administrator of public accounts may issue this warrant, transferable by delivery to bearer, for the delivery of the bonds, which warrants shall bear interest at the same rate as the bonds, except that warrants issued prior to July 1, 1872, shall bear interest only in currency, instead of gold, up to that date.

Adopted by the council of the city of New Orleans April
1081 30, 1872.

Yeas—Cockrem, Shaw, Lewis, Bonzano, Walton.

BENJ. F. FLANDERS, *Mayor.*

A true copy.

H. CONQUEST CLARKE, *Secretary.*

MAYORALTY OF NEW ORLEANS,
CITY HALL, *Dec'b'r* 5, 1888.

A true copy of ordinance No. 1484, administration series, adopted by the council of the city of New Orleans April 30, 1872, approved by the mayor and duly promulgated in the official journal.

(Signed) E. L. BOWER,
[L. S.] *Chief Clerk & Custodian of City Ordinances.*

125. *Ordinance No.* 1507.

MAYORALTY OF NEW ORLEANS,
CITY HALL, *May* 9, 1872.

(No. 1507, administration series.)

An ordinance providing for the settlement of Mexican Gulf warrants.

Be it ordained by the council of the city of New Orleans, That the mayor and administrator of finance be authorized to settle for all drainage warrants outstanding in bonds of the new con-
1082 solidated debt, drainage series, according to section thirteen of the city funding act, at the rate for said bonds of ninety cents on the dollar, and to issue certificates redeemable in same.

Adopted by the council of the city of New Orleans April 30, 1872.

Yeas—Cockrem, Shaw, Lewis, Walton, Bonzano.

BENJ. F. FLANDERS, *Mayor.*

A true copy.

H. CONQUEST CLARKE, *Secretary.*

MAYORALTY OF NEW ORLEANS,
CITY HALL, *Dec'b'r* 5, '88.

A true copy of ordinance No. 1507, administration series, adopted

by the council of the city of New Orleans April 30, 1872, approved by the mayor and duly promulgated in the official journal.

(Signed) E. L. BOWER,
[L. S.] *Chief Clerk and Custodian of City Ordinances.*

126. *Ordinance No.* 1554.

MAYORALTY OF NEW ORLEANS,
CITY HALL, *May* 30, 1872.

(No. 1554, administration series.)

An ordinance amending ordinance No. 814, administration series, relative to settlements with Mississippi and Mexican Gulf
1083 Ship Canal Company.

SECTION 1. Be it ordained by the council of the city of New Orleans, That the paragraph numbered four, under section three of ordinance No. 814, administration series, be amended so as to read as follows:

4. The city will issue warrants for the payment of the work, as required by the act of the Legislature, and in case of the non-realization or non-collection of assets provided for therein the same to bear eight per cent. per annum interest, the said warrants to be issued with the understanding, to be inscribed therein or endorsed thereon, that they shall not be enforceable by suit and judgment, but if not paid within one year out of the proceeds of the drainage tax and assets they shall be fundable in new consolidated bonds of the city drainage series, according to the terms of section thirteen of act No. 73 of 1872, at the price of ninety cents on the dollar for said bonds. If not paid within one year from date the holder may, on thirty days' notice, demand bonds at ninety cents as aforesaid, and the city, in like manner, in case there be not funds on hand at or before said time to take up in its regular order among warrants outstanding, will have the right, on thirty days' public notice, to call it in and fund it as aforesaid.

SEC. 2. Be it further ordained, etc., That the warrants issued shall be in substance as follows:

DEPARTMENT OF PUBLIC ACCOUNTS,
NEW ORLEANS, —— —, 187–.

1084 To the administrator of finance, city of New Orleans:

Pay to the order of the Mississippi and Mexican Gulf Ship Canal Company — dollars out of any funds in the city treasury to the credit of said company.

This warrant in case of the non-realization or non-collection of assets provided for under act No. 30, Legislature of Louisiana, session of 1871, to bear eight per cent. per annum interest, and it is given and received with the understanding that it shall not be enforceable by suit and judgment; but if not paid within one year out of the proceeds of the drainage tax and assets it shall be fund-

able in new consolidated bonds of the city of the drainage series, bearing seven per cent. per annum interest, payable semi-annually, having fifty years to run, principal and interest payable in gold according to the terms and provisions of act No. 73 of 1872, approved April 26, 1872. The city, if there be not on hand within twelve months cash to pay this warrant in its regular turn among the warrants outstanding, may fund the same at the rate for said bonds of ninety cents on the dollar, and if not voluntarily presented may, on thirty days' public notice, giving the number or series of numbers in which it is embraced, recall and discontinue interest upon the same, and any holder of a fundable warrant may demand new consolidated bonds at said price.

——— ———,
Administrator of Public Accounts.

SEC. 3. Be it further ordained, etc., That until further orders of the counsel the mayor and administrator of finance may, at the desire of holders, effect the exchange of warrants now or
1085 hereafter issued without awaiting the expiration of a year from issue, and may issue certificates for bonds of the drainage series in the manner prescribed by ordinance No. 1507, administration series.

Adopted by the council of the city of New Orleans May 29, 1872.
Yeas—Cockrem, Shaw, Delassize, Remick, Lewis, Walton, Bonzano.

BENJ. F. FLANDERS, *Mayor.*

A true copy.

H. CONQUEST CLARKE, *Secretary.*

MAYORALTY OF NEW ORLEANS,
CITY HALL, *Dec'b'r* 5, '88.

A true copy of ordinance No. 1554, administration series, adopted by the council of the city of New Orleans May 29, 1872, approved by the mayor and duly promulgated in the official journal.

(Signed) E. L. BOWER,
[L. S.] *Chief Clerk & Custodian of City Ordinances.*

127. *Ordinance No.* 1563.

MAYORALTY OF NEW ORLEANS,
CITY HALL, *June* 11, 1872.

(No. 1563, administration series.)

An ordinance relative to drainage warrants and debts, copied at page 619 of this transcript.

1086 A true copy of ordinance No. 1563, administration series, adopted by the council of the city of New Orleans June 11, 1872, approved by the mayor and duly promulgated in the official journal.

(Signed) E. L. BOWER,
[L. S.] *Chief Clerk & Custodian of City Ordinances.*

127*a*. *Red Warrant.*

No. —. DEPARTMENT OF PUBLIC ACCOUNTS,
$ —. NEW ORLEANS, —— —, 187–.

To the administrator of finance, city of New Orleans:

Pay to the order — the Mississippi and Mexican Gulf Ship Canal Company — $\frac{00}{100}$ dollars out of any funds in the city treasury to the credit of said company.

This warrant, in case of the non-realization or non-collection of assets provided for under act No. 30, Legislature of Louisiana, session of 1871, to bear eight per cent. per annum interest, and it is given and received with the understanding that it shall not be enforceable by suit and judgment; but if not paid within one year out of the proceeds of the drainage tax and assets it
1087 shall be fundable in new consolidated bonds of the city of the drainage series, bearing seven per cent. per annum interest, payable semi-annually, having fifty years to run, principal and interest payable in gold, according to the terms and provisions of act No. 73 of 1872, approved April 26, 1872. The city, if there be not on hand, within twelve months, cash to pay this warrant in its regular turn among the warrants outstanding, may fund the same at the rate for said bonds of ninety cents on the dollar, and if not voluntarily presented may, on thirty days' public notice, giving the number or series of numbers in which it is embraced, recall and discontinue interest upon the same, and any holder of a fundable warrant may demand new consolidated bonds at said price.

Charge —.

—— ——,
Administrator Public Accounts.

COMPTROLLER'S OFFICE,
NEW ORLEANS, *April 3rd*, 1889.

I hereby certify that the within is a true and correct copy of the form of warrant used from June, 1872, to December 31st, 1874.

(Signed) O. THOMAN, *Comptroller.*

127*a*. *White Warrant.*

Copy of white warrant in use from June, 1872, to December, 1875.

2nd draining section.

No. 358. DEPARTMENT OF PUBLIC ACCOUNTS,
$4,906. NEW ORLEANS, *January* 14, 1874.

1088 To the administrator of finance, city of New Orleans:

Pay to the order of W. Van Norden, assignee of the Mississippi and Mexican Gulf Ship Canal Company, four thousand nine hundred and six $\frac{00}{100}$ dollars out of any funds in the city treasury to the credit of said company.

This warrant, in case of the non-realization or non-collection of assets provided for under act No. 30, Legislature of Louisiana, session of 1871, to bear eight per cent. per annum interest; and it is given and received with the understanding that it shall not be enforceable by suit and judgment, but if not paid within one year out of the proceeds of the drainage tax and assets it shall be fundable in new consolidated bonds of the city of the drainage series, bearing seven per cent. per annum interest, payable semi-annually, having fifty years to run, principal and interest payable in gold, according to the terms and provisions of act No. 73 of 1872, approved April 26, 1872. The city, if there be not on hand, within twelve months, cash to pay this warrant in its regular turn among the warrants outstanding, may fund the same at the rate for said bonds of ninety cents on the dollar, and if not voluntarily presented may, on thirty days' public notice, giving the number or series of numbers in which it is embraced, recall and discontinue interest upon the same, and any holder of a fundable warrant may demand new consolidated bonds at said price.

Charge Mississippi and Mexican Gulf Ship Canal Co.

(Signed) J. CALHOUN,
Administrator of Public Accounts.

COMPTROLLER'S OFFICE, CITY OF NEW ORLEANS,
NEW ORLEANS, *December 8th*, 1888.

A true copy of the original.

(Signed) O. THOMAN, *Comptroller.*

1089 127*b*. *Copy of White Warrant in Use to June*, 1872.

No. 1. DEPARTMENT OF PUBLIC ACCOUNTS,
$1,000. NEW ORLEANS, *July 8th*, 1871.

Administrator of finance, city of New Orleans:

Pay to the order of the Mississippi and Mexican Gulf Ship Canal Company one thousand dollars out of any funds in the city treasury to the credit of said company.

This warrant, in case of the non-realization or non-collection of assets provided for under act No. 30, Legislature of Louisiana, session of 1871, to bear eight per cent. per annum interest, and it is given and received with the understanding that it shall not be enforceable by suit and judgment; but if not paid within one year out of the proceeds of the drainage tax and assets it shall be fundable in bonds of the city, bearing eight per cent. per annum interest, payable semi-annually, having ten years to run, and with due provision for retiring the same and securing the punctual payment of interest and gradual extinction of the principal. The city shall have power to sell said bonds or give the same in payment of the work performed; but no sale or exchange shall be made at a price less than eighty cents on the dollar, exclusive of interest; and any holder of a fundable warrant, after thirty days' notice, if not paid

in money, may demand bonds for the same at eighty cents on the dollar.

Charge the Mississippi and Mexican Gulf Ship Canal Company. Act No. 30, Legislature of Louisiana, session of 1871.

1090 Countersigned: J. C. (B. F. F.)

(Signed) ALFRED SHAW,
Administrator of Public Accounts.

COMPTROLLER'S OFFICE, CITY OF NEW ORLEANS,
NEW ORLEANS, *December 8th*, 1888.

A true copy of the original.

(Signed) O. THOMAN, *Comptroller.*

146. *Statement of Writs of Fi. Fa. Issued and Sales Made and Proceeds Received by Aubertin, Deputy Sheriff.*

Number of writs of *fieri facias* received by civil sheriff from July 13th, 1875, to March 3d, 1879, as per drainage-tax docket, 1571.

Number of writs satisfied in full, as per report book	613	
No. of writs satisfied on ac.	9	
No. " not satisfied	949	
		1,571
No. of writs for which city of New Orleans paid to civil sheriff for costs due him on said writs		330
1091 No. of sales advertised as per drainage-tax sales book		269
No. of sales advertised and settled without sale	72	
No. of sales to *bona fide* purchasers	8	
No. of sales to Wm. Bogart Bowers	8	
No. of sales to S. D. Moody for ac. of Warren J. Delano	32	
No. of sales to George C. Norcross	1	
No. of sales to Wm. Van Norden, for ac. of Warren J. Delano	4	
No. of sales to M. S. Cox, for ac. of Warren J. Delano	8	
No. of sales to Chas. Harvey, for ac. of Warren J. Delano	1	
No. of sales stayed and not offered	135	
		269

The sales were as follows:

To *bona fide* purchasers, 8 advertised sales, 10 adjudications.

To Wm. Bogart Bowers, 8 advertised sales, 9 adjudications.

To S. D. Moody, for ac. of Warren J. Delano, 32 advertised sales, 33 adjudications.

To George C. Norcross, for ——, 1 advertised sale, 1 adjudication.

To Wm. Van Norden, for ac. of Warren J. Delano, 4 advertised sales, 4 adjudications.

1092 To M. S. Cox, for ac. of Warren J. Delano, 8 advertised sales, 11 adjudications.

To Chas. Harvey, for ac. of Warren J. Delano, 1 advertised sale, 1 adjudication.

Amount of judicial costs paid by the city of New Orleans to civil sheriff on 330 writs, as per drainage-tax docket		$950 50
Amount collected by civil sheriff and paid over to drainage department (includes tax interest, attorney's commission, and $116.50 clerk's fees)		$32,466 69

And realized as follows:

Amount paid by *bona fide* purchasers at sales	$2,079 45	
Amount paid in settlement without sales	3,293 69	
Amount paid on service of notices of seizure	17,238 69	
Amount paid by W. S. Moody, for ac. of Wm. J. Delano, at sales	7,483 58	
Amount paid by Wm. Van Norden, for ac. of Warren J. Delano, at sales	127 76	
Amount paid by M. S. Cox, for ac. of Warren J. Delano, at sales	1,364 53	
Amount paid by Chas. Harvey, for ac. of Warren J. Delano, at sales	27 00	
Amount paid by Geo. C. Norcross, for ——, at sales	43 28	
Amount paid by Wm. Bogart Bowers at sales	808 86	
		32,466 69

1093 Total amount of drainage tax collected by civil sheriff		$32,466 69
Amount of writs advertised, but settled before sale	$3,293 69	
Amount of sales paid by *bona fide* purchasers	2,079 45	
Amount of sales paid by Van Norden, Moody, & others	9,855 01	
Amount paid on notices of seizure only	17,238 54	
		$32,466 69

Amount collected on notices only	$17,238 54	
Amount collected after advertisement	15,228 15	
		$32,466 69

Number of writs advertised, but settled without sale	76
Number of writs not sold, for want of bidders	121
Number of writs sold to *bona fide* bidders	10
Number of writs sold to Van Norden, Moody, Delano, Bogart, and others	59
Number of writs stayed by judicial proceedings	12
Number of writs stayed by order of city attorney	33
Total number of advertised writs	311

1094 *Account of Work Done in Draining Districts, &c.*

RECAPITULATION.

First drainage district	374,295 25
Second drainage district	974,066 31
Third drainage district	576,565 46½
Fourth drainage district	21,801 00
Miscellaneous	18,024 77
	1,964,752 79½

1095 *Account of Work Done in the First Draining District by the Miss. and Mexican Gulf Ship Canal Company, as per Bill Book on File in the Office of the City Surveyor.*

1871.			
July	7.	18,474 cubic yards excavated in Bayou St. John, from draining machine to Orleans St., @ 50c. per yard	9,237 00
Aug.	2.	7,558 cubic yards excavated in Bayou St. John & Orleans canal @ 50c. per yard	3,779 00
Sept.	1.	11,411 cubic yards excavated in Orleans canal @ 50c. per yard	5,705 50
Oct.	2.	14,613 cubic yards excavated in Orleans canal, between Bayou St. John & City park, & in Taylor Ave. canal, in the rear of City park, @ 50c. per yard	7,306 50
Nov.	1.	9,565 cubic yards excavated in Orleans canal, between Bayou St. John & City park, & Taylor Avenue canal, in rear City park, @ 50c. per yard	4,782 50
Dec.	1.	14,544 cubic yards excavated in Orleans canal, between Bayou St. John & City park, & Taylor Ave. canal, in rear of City park, @ 50c. per yard	7,272 00
1872.			
Jan'y	2.	24,907 cubic yards excavated in Orleans canal, between Bayou St. John & the lake, and Taylor Avenue canal, in rear of City park, @ 50c. per yard	12,453 50
Feb'y	2.	28,820 cubic yards exc'd in Orleans canal, bet. Bayou St. John & the lake, & Taylor Avenue canal, in rear City park, @ 50c. per yard	14,410 00
M'ch	5.	37,624 cu. yards excavated in Orleans canal, being the road described in paragraph No. 1, ordinance 1362, A. S., — 50c. per yard	18,812 00
April	1.	39,530 cubic yards excavated on Orleans St., &c., @ 50c. per yard	19,765 00
May	3.	39,098 cubic yards excavated on Orleans St., &c., @ 50c. per yard	19,549 00
June	4.	49,230 cubic yards excavated on Orleans St., &c., @ 50c. per yard	24,615 00
July	2.	39,892 cubic yards excavated on Orleans St., &c., @ 50c. per yard	19,946 00
Aug.	5.	33,196 cubic yards excavated on Orleans St., &c., @ 50c. per yard	16,598 00
			184,231 00
1096			
1872.			184,231 00
Sept.	5.	28,264 cubic yards excavated in Orleans canal, &c., @ 50c. per yard	14,132 00
Oct.	4.	27,567 cubic yards excavated in Orleans canal, &c., @ 50c. per yard	13,783 50
Nov.	5.	27,728 cubic yards excavated in Orleans canal, &c., @ 50c. per yard	13,864 00

1872.			
Dec.	10.	29,784 cubic yards excavated in Orleans canal, &c., @ 50c. per yard	14,892 00
1873.			
Jan'y	9.	26,076 cubic yards excavated in Galvez canal, &c., @ 50c. per yard	13,038 00
Feb'y	5.	27,867 cubic yards excavated in Orleans canal, &c., @ 50c. per yard	13,933 50
M'ch	5.	26,134 cubic yards excavated in Orleans canal, &c., @ 50c. per yard	13,067 00
Apr.	10.	26,851 cubic yards excavated in Orleans canal, &c., @ 50c. per yard	13,425 50
May	6.	21,246 cubic yards excavated in Orleans canal, &c., @ 50c. per yard	10,623 00
June	6.	17,453 cubic yards excavated in Carrollton avenue, &c., @ 50c. per yard	8,726 50
July	8.	10,278 cubic yards excavated in Orleans St., &c., @ 50c. per yard	5,139 00
Aug.	12.	11,131 cubic yards excavated in Orleans St. canal, &c., @ 50c. per yard	5,565 50
Sept.	8.	7,812 cubic yards excavated in Orleans canal @ 50c. per yard	3,906 00
Oct.	8.	7,592 cubic yards excavated in Orleans canal @ 50c. per yard	3,796 00
Nov.	10.	6,741 cubic yards excavated in Orleans canal @ 50c. per yard	3,370 50
Dec.	9.	6,172 cubic yards excavated in Orleans canal @ 50c. per yard	3,086 00
1874.			
Jan'y	10.	5,553 cubic yards excavated in Orleans canal @ 50c. per yard	2,776 50
Feb'y	5.	5,245 cubic yards excavated in Orleans canal @ 50c. per yard	2,622 50
			343,978 00
1097			
1874.			343,978 00
M'ch	9.	4,936 cubic yards excavated in Orleans canal, &c., @ 50c. per yard	2,468 00
Apr.	3.	619 cubic yards excavated in Orleans canal @ 50c. per yard	309 50
May	11.	7,935 cubic yards excavated in Orleans canal @ 50c. per yard	3,967 50
June	5.	For extra grading with ridge sand Orleans avenue	2,300 00
June	6.	6,200 cubic yards excavated in Orleans canal, &c., @ 50c. per yard	3,100 00
June	30.	For extra grading with ridge sand Orleans avenue	2,600 00
July	30.	For extra grading with ridge sand Orleans Ave.	1,900 00
Aug.	5.	2,230 cubic yards excavated near Mexico St. & Bayou St. John @ 50c. per yard	1,115 00
Sept.	8.	2,311 cubic yards excavated, old & new work, @ 50c. per yard	1,155 50
Oct.	7.	For excavating and grading with Ridge sand Orleans Ave., bet. Metarie road & Lake, in full of all demands to date, 4,870¼ yards, $1.00 per yard	4,870 25
Oct.	7.	4,190 cubic yards excavated of new work @ 50c. per yard	2,095 00
Nov.	6.	5,954 cubic yards excavated of new canal work, 50c. per yard	2,977 00
Dec.	16.	2,019 cubic yards excavated of new canal work @ 50c. per yard	1,009 50
1875.			
Feby'	16.	900 cubic yards excavated near Spanish Fort @ 50c. per yard	450 00
			374,295 25

1098 *Account of Work Done in the 2nd Draining District by the Mississippi & Mexican Gulf Ship Canal Co., as per Bill Book on File in the Office of the City Surveyor.*

1871.				
Aug.	2.	4,570 cubic yards excavated on Metarie road & 14th St. @ the rate of 50c. per yard	2,287 00	
		3,968 cubic yards excavated near the lake, at Jefferson & L. R. R., at the rate of 50c. per yard	1,984 00	
				4,271 00
"	"	7,902 cubic yards excavated in lake outside of shore line for tail race to 14th Street canal @ 50c. per yard		3,951 00

1871.				
Sept.	1.	10,829 cubic yards excavated on Metarie road & lake end, at rate of 50c. per yard		5,414 50
Oct.	2.	18,767 cubic yards excavated in the Upper draining canal at Metarie road near the lake		9,383 50
"	"	19,947 cubic yards excavated in Upper protection levee, near the lake shore @ 37½ per yard	7,480 12	
		11,755 cubic yards exc'd on Metarie road @ 37½ per yard	4,408 12	
			11,888 24	
		10,710 cubic yards @ 37½, "protection levee," (less) settled by Mr. Shaw Sept. 15, '71	4,016 25	
				7,871 99
Nov.	1.	21,605 cubic yards excavated in Upper draining canal at Metarie r'd & near the lake @ 50c. per cubic yard		10,802 50
"	1.	11,824 cubic yards excavated in Upper protection — near the lake shore @ 37½ per yard		4,434 00
"	1.	4,482 cubic yards excavated on Metarie Road levee @ 37½ per yard		1,680 75
Dec.	1.	14,817 cubic yards excavated in the Upper draining canal at Metarie road near the lake @ 50c. per cubic yard		7,408 50
"	1.	6,703 cubic yards excavated in Upper protection levee near lake shore @ 37½ per cubic yard		2,513 62
"	1.	4,410 cubic yards excavated on Metarie Road levee @ 37½		1,653 75
1872.				
Jan.	2.	11,760 cubic yards excavated in the Upper draining canal at Metarie road & near the lake at 50c. per cubic yard		5,880 00
"	2.	2,378 cubic yards excavated on Metarie Road levee @ 37½		891 75
				66,156 86
1099				
1872.				66,156 86
Jan.	2.	5,859 cubic yards excavated in Upper protection levee, near the lake shore, @ 37½ per yd.		2,197 12
Feb'y	2.	13,984 cubic yards excavated in the Upper draining canal at Met. road & near the lake @ 50c. per yard		6,992 00
"	2.	2,836 cubic yards excavated on Metarie Road levee @ 37½		1,063 50
"	2.	7,652 cubic yards excavated in Upper protection levee, near the lake shore, @ 37½ per yd.		2,869 50
M'ch	5.	17,765 cubic yards excavated in the 14th St. canal through the Metarie ridge, being work described in paragraph # 2, Ord. 1362, A. S., @ 50c. per yard		8,882 50
"	5.	13,334 cubic yards excavated in the 14th St. canal, through the Metarie ridge to the lake, at 37½ per yard		5,000 25
		"In Upper protection levee, near lake shore."		
Apr.	1.	16,168 cubic yards excavated as follows: Boat on Upper Line canal from lake excavated 600 lin'l feet; boat on Upper Line canal from Metarie road has done 284 feet of excavation and ran over 325 lin'l feet for the second time @ the rate of 50c. per cubic yard		8,084 00
"	1.	12,127 cubic yards excavated in Upper Line canal, thro' the Metarie ridge to the lake, in Upper protection levee, near the lake shore, @ the rate of 37½ per cubic yard		4,547 62
May	3.	17,696 cubic yards excavated as follows: Boat on Upper Line canal from lake excavated 595 lin'l feet; boat on Upper Line canal from Metarie road has done 585 lin'l feet of new excavating & ran over 265 feet for the second time at the rate — 50c. per yd.		8,848 00
		Work described in paragraph # 2, Ord. 1362, A. S.		
				114,641 35
1100				
1872.				114,641 35
May	3.	13,272 cubic yards excavated in Upper Line canal thro' the Metarie ridge to the lake in upper protection levee, near lake shore, @ 37½ per yard		4,977 00

1872.			
June	4.	17,619 cubic yards excavated as follows: Boat in Upper Line canal from Metairie road, 730 feet of excavation; boat in Upper Line canal from lake done 480 feet @ 50c. per yard	8,809 50
		The above being work described in paragraph No. 2, Ord. 1362, A. S.	
	4.	13,213 cubic yards excavated in Upper Line canal, thro' the Metarie ridge to the lake on Upper protection levee, near the lake shore, @ 37½ per yard	4,954 87
	4.	3,296 cubic yards (207 lineal ft.), completed protection levee, @ 12½ per cubic yard	412 00
July	2.	15,997 cubic yards excavated as follows: Boat in Upper Line canal from Metarie road done 430 feet lineal of excavation, boat in Upper Line canal from lake done 663 lineal feet @ 50c. per yard	7,988 50
"	2.	11,981 cubic yards excavated in Upper protection levee @ 37½ per yard	4,492 87
Aug.	5.	16,726 cubic yards excavated as follows: Boat in Upper Line canal from Metarie road done 550 lineal feet of excavation; boat in Upper Line canal from lake done 524 lineal feet of excavation; Clam Shell boat run over 380 lineal feet in Upper Line canal from lake @ the rate of 50c. per yard—work described in paragraph # 2, Ord. 1362, A. S.	8,363 00
			154,639 09
1101			
			154,639 09
1872.			
Aug.	5.	12,545 cubic yards placed in Upper protection levee @ 37½ per yard	4,704 37
Sept.	5.	24,829 cubic yards excavated in Upper Line canal @ 50c. per yard	12,414 50
"	5.	18,231 cubic yards placed in Upper protection levee at 37½	6,836 62
Oct.	4.	28,404 cubic yards excavated in Upper Line canal at 50c. per yard	14,202 00
"	4.	20,102 cubic yards placed in Upper Line protection levee & Lake Shore levee at 37½ per yard	7,538 25
Nov.	5.	13,935 cubic yards excavated in Upper Line canal, etc, at 50c.	6,967 50
	5.	10,451 cubic yards placed in Upper Line protection levee & Lake Shore levee at 37½	3,919 12
Dec.	10.	19,913 cubic yards excavated towards lake shore, etc., at 50 p'r yd.	5,456 50
	10.	8,185 cubic yards placed in Upper Line protection levee and lake shore at 37½	3,069 37
1873.			
Jan.	9.	19,901 cubic yards excavated along Lake Shore & Upper Line canal at 50c. per yd.	9,950 50
	9.	14,926 cubic yards placed in Upper Line & Lake Shore protection levee at 37½	5,597 25
Feb'y	5.	17,304 cubic yards excavated in Upper Line canal, etc., at 50c. per yard	8,652 00
	5.	12,978 cubic yards placed in Upper Line protection levee and lake shore at 37½ per yard	4,866 75
Mar.	5.	25,145 cubic yards excavated in Upper Line canal at 50c. per yard	12,572 50
			266,386 32
1102			
			266,386 32
1873.			
Mar.	5.	25,792 cubic yards placed in Upper Line protection levee and Lake Shore @ 37½ per yard	9,672 00
Apr.	10.	23,488 cubic yards excavated in Upper Line, etc., @ 50c. per yard	11,744 00
	10.	19,208 cubic yards placed in Upper Line and Lake Shore levees at 37½ per yard	7,203 00

1873.				
May	6.	16,209 cubic yards excavation in Upper Line canal, etc., at 50c. per yard		8,104 50
	6.	13,867 cubic yards placed in Upper Line protection levee and Lake Shore at 37½ per yard		5,200 00
June	6.	16,099 cubic yards excavated in Upper Line canal, etc., at 50c. per yard		8,049 50
	6.	13,470 cubic yards placed in protection levee & Lake Shore at 37½		5,051 25
July	8.	18,982 cubic yards excavation Upper Line canal, etc., at 50c. per yard		9,491 00
	8.	12,838 cubic yards placed in Upper Line & Lake Shore levees at 37½		4,814 25
Aug.	12.	21,835 cubic yards excavated in Upper Line canal, etc., at 50c. p'r yd.		10,917 50
"	12.	19,009 cubic yards placed in Upper Line & Lake Shore levees at 37½ p'r yd.		7,128 37
Sept.	8.	20,783 cubic yards excavated in Upper Line canal, etc., at 50c. p'r yd.		10,391 50
	8.	14,553 cubic yards placed in Upper Line & Lake Shore levees at 37½ p'r yd.		5,457 37
				369,610 56
1103				
1873.				369,610 56
Oct.	8.	26,999 cubic yards excavated in Upper Line canal, etc., at 50c. p'r yd.		13,499 50
Oct.	8.	19,553 cubic yards placed in Upper Line & Lak- Shore levees at 37½		7,332 37
Nov.	10.	23,622 cubic yards excavated in Upper Line canal, etc., at 50c. per yard		11,811 00
	10.	17,696 cubic yards placed in Upper Line & Lake Shore levees at 37½ per yard		6,636 00
Dec.	9.	15,903 cubic yards excavated in Upper Line canal, etc., at 50c.		7,951 50
	9.	11,077 cubic yards placed in Upper Line & Lake Shore levees at 37½		4,153 87
	15.	11,108 lineal feet of canal, measuring 305,082 cubic yards, at 50c.	152,541 00	
		11,108 lineal feet of protection levee, measuring 274,574 cubic yards, at 50c.	137,287 00	
			289,828 00	
		Less amount paid on % of above work—		
		Excavations—305,082 yds. at 50c.	152,541 00	
		Levees— 228,811 " at 37½	85,804 12½	
			238,345 12½	
		Balance due		51,482 87
1874.				
Jan'y	10.	9,812 cubic yards excavated in Upper Line canal at 50c. per yard		4,906 00
	10.	6,807 cubic yards placed in Upper Line & Lake Shore levees at 37½ per yard		2,552 62
Feb'y	5.	16,318 cubic yards excavated in Upper Line canal at 50c. per yard		8,159 00
	5.	15,006 cubic yards placed in Upper Line & Lake Shore levees at 37½		5,627 25
				493,722 54
1104				
1874.				493,722 54
Feb'y	20.	2,250 lineal ft. protection levee, measuring 52,875 c. y., @ 50c.	26,437 50	
		Less amount paid on ac. of above work, 39,657 c. y., @ 37½	14,871 45	
		Balance due		11,566 05

1874.				
M'ch	5.	2,507 lineal ft. protection levee, measuring 45,357 c. y., @ 50c.	22,678 50	
		Less amount paid on ac. of above work, 34,018¾ c. y., @ 37½	12,757 03	
		Balance due		9,921 47
M'ch	9.	22,540 cubic yards excavated in Upper Line & 14 St. canal, etc., @ 50c. per yard		11,270 00
	9.	20,924 cubic yards placed in Upper Line and Lake Shore levees @ 37½ per yd.		7,846 50
Apr.	3.	20,413 cubic yards excavated in 14th St. canal, etc., @ 50c. per yard		10,206 50
	3.	16,364 cubic yards placed in Upper Line and Lake Shore levees at 37½ per yd.	6,136 50	
		On % of extra grading with ridge sand on Upper Line levee from Metarie R'd towards lake	2,700 00	
				8,836 50
May	11.	23,190 cubic yards excavated in Upper Line canal, etc., at 50c. per yard		11,595 00
	11.	6,959 cubic yards placed in Upper Line & Lake Shore & 14th St. levees at 37½ p'r yd.	2,609 62	
		On ac. of extra grading with ridge sand on Upper Line levee from Matairie road towards lake	1,800 00	
				4,409 62
May	19.	44,730 cubic yards placed in Lake Shore protection levee at 12½	5,591 25	
		10,800 cubic yards placed in Upper Line protection levee, bet. North Line St. & Hoy's canal at 12½	1,350 00	
				6,941 25
				576,315 43
1105				
1874.				576,315 43
June	1.	For extra grading with ridge sand Upper Line levee		4,200 00
	6.	29,494 cubic yards excavated in 14th St. canal, etc., at 50c.		14,747 00
	6.	23,207 cubic yards placed in Upper Line, Lake Shore, & 14th St. levees at 37½ per yard		8,702 62
	30.	For extra grading with ridge sand Upper Line levee & railing		7,250 00
July	9.	30,486 cubic yards excavated in 14th St. canal, etc., at 50c.		15,243 00
	9.	11,461 cubic yards placed in Upper Line & Lake Shore protection levees at 37½ per yard		4,297 87
	30.	For extra grading with ridge sand Upper Line levee & railing		3,700 00
Aug.	5.	32,379 cubic yards excavated in 14th St. Canal, lake shore, & Melpomene canal at 50c.		16,189 50
	5.	15,700 cubic yards placed in Upper Line, 14th St., & Lake Shore levees at 37½		5,887 50
	8.	35,170 cubic yards placed in Dublin Ave. canal, lake shore, etc., at 50c. per yard		17,585 00
	8.	13,505 cubic yards placed in Upper Line, 14th St., etc., at 37½ p'r yard		5,064 37
Oct.	7.	For excavating & grading with ridge sand Upper Line levee, in full of all demands to date, 6,482⅖ cubic yards, at 1.00 per yard, viz., 50c. for excavation and 50c. for embankment		6,482 40
	7.	28,444 cubic yards excavated in Dublin Ave. canal, 14th St., etc., at 50c. per yard		14,222 00
	7.	98,540 cubic yards canal & levee work on lake shore, etc., at 12½		12,317 50
				712,204 19

1106

1874.				712,204 19
Oct.	7.	16,422 cubic yards placed in Upper Line & 14th St., etc., at 37½ per yard		6,158 25
Nov.	6.	34,227 cubic yds. excavated in Dublin Ave. canal, Melpomene, etc., at 50c. per yard		17,113 50
	6.	9,213 cubic yards placed in Upper Line protection levee at 37½		3,454 87
Dec.	16.	19,825 cubic yards excavated in Dublin, Melpomene, etc., canals at 50c. p'r yard		9,912 50
	16.	2,326 cubic yards placed in Upper Line protection levee at 37½ per yard		872 25
	31.	8,368 cubic yards excavated in Upper Line canal at 50c. per yard		4,184 00
	31.	4,578 cubic yards excavated in the 10th St. canal at 50c. per yard		2,289 00
	31.	7,245 cubic yards excavated in the Melpomene tail race at 50c. per yard		3,622 50
	31.	7,509 cubic yards placed in the Upper Line protection levee at 37½ per yard		2,815 87½
1875.				
Feb'y	5.	10,140 cubic yards excavated in Upper Line canal at 50c.		5,070 00
	5.	7,200 cubic yards excavated in the 10th St. canal at 50c. per yard		3,600 00
	5.	8,750 cubic yards excavated in the Melpomene tail race at 50c. per yard		4,375 00
	5.	8,873 cubic yards placed in the Upper Line protection levee at 37½ per yard		3,327 37½
				778,999 31

1107

1875.				778,999 31
M'ch	11.	11,274 cubic yards excavated in the 10th St. or Claiborne canal at 56c. per yard		5,637 00
	11.	10,301 cubic yards excavated in Upper Line canal at 50c.		5,150 50
	11.	8,210 cubic yards excavated in Melpomene tail race at 50c.		4,105 00
	11.	9,050 cubic yards placed in Upper Line levee at 37½ per yard		3,393 75
Apr.	1.	3,098 cubic yards excavated in Melpomene tail race at 50c.		1,549 00
	1.	5,884 cubic yards excavated in Dublin canal at 50c.		2,942 00
	1.	10,799 cubic yards excavated in the Upper Line canal at 50c.		5,399 50
	1.	9,181 cubic yards placed in Upper Line levee at 37½ per yard		3,442 87½
	1.	44,218 cubic yards of earth placed in Upper Line protection levee at 12½c. per yard		5,527 25
May	1.	17,989 cubic yards excavated in Claiborne canal at 50c. per yd.		8,994 50
	1.	8,309 cubic yds. excavated in Claiborne canal at 50c. per yard		4,154 50
	1.	5,266 cubic yards excavated in 10th St. canal at 50c. per yard		2,633 00
June	1.	10,175 cubic yards excavated in Claiborne canal at 50c.		5,087 50
	1.	14,000 cubic yards excavated in 10th St. canal at 50c. p'r yard		7,000 00
	1.	7,380 cubic yards excavated in Claiborne canal at 50c.		3,690 00
July	1.	12,675 cubic yds. excavated in Claiborne canal at 50c		6,337 50
				854,043 68½

1108

1875.				854,043 68½
July	1.	10,203 cubic yards excavated in 10th St. canal at 50c. per yard		5,101 50
	1.	8,562 cubic yards excavated in Claiborne canal at 50c.		4,281 00
Aug.	1.	8,299 cubic yards excavated in Claiborne canal at 50c.		4,149 50
	1.	4,224 cubic yards excavated in Upper Line at 50c. per yard, and placing same in levee at 50c.		4,224 00

1875.				
Aug.	1.	10,648 cubic yards excavated in Claiborne canal at 50c.		5,324 00
	1.	11,822 cubic yards excavated in 10th St. canal at 50c.		5,911 00
	1.	5,387 cubic yards excavating & placing in Upper Line protection levee at 1.00 per yard		5,387 00
Sept.	1.	11,535 cubic yds. excavated in Claiborne canal at 50c.		5,767 50
	1.	15,935 cubic yards excavated in 10th St. canal at 50c. per yard		7,967 50
	1.	8,000 cubic yds. excavated in Claiborne & Toledano, Sts., at 50c.		4,000 00
Oct.	1.	16,047 cubic yds. excavated in Claiborne canal at 50c.		8,023 50
	1.	5,110 cubic yds. excavated — Nashville Ave. canal at 50c.		2,555 00
	1.	10,357 cubic yards excavated in 10th St. canal at 50c.		5,178 50
	1.	100,273 cubic yards placed on Upper Line p'n levee, etc., at 12½		12,534 12½
Nov.	1.	16,738 cubic yards excavated in Claiborne canal at 50c.		8,369 00
	1.	4,728 cubic yards excavated in Nashville Ave. canal at 50.		2,364 00
				935,180 81
1109				
				935,180 81
1875.				
Nov.	9.	7,210 cubic yds. excavated in Upper Line canal at 50c.		3,605 00
	9.	6,310 cubic yards placed in Upper Line protection levee at 37½		2,366 25
	9.	33,490 cubic yards placed in Upper Line levee at 12½	4,186 25	
		14,508 cubic yards placed in 10th St. canal at 12½	1,813 50	
				5,999 75
Dec.	1.	6,213 cubic yards excavated in Nashville Ave. canal at 50c.		3,106 50
	1.	13,971 cubic yards excavated in 10th St. & Claiborne canal at 50c.		6,985 50
1876.				
Jan'y	7.	4,149 cubic yards excavated in Nashville Ave. canal at 50c.		2,074 50
	7.	13,862 cubic yards excavated in Claiborne canal at 50c.		6,931 00
	7.	4,654 cubic yards excavated & graded on Metarie ridge r'd, etc., at 50c.		2,327 00
	7.	3,416 cubic yards excavated on Peters Ave. at 50c. per yard.		1,708 00
	7.	For repairing cave in Lake Shore revetment levee:		
		1,000 yds. excavation at 50c.	500 00	
		1,000 " embankment, 50c.	500 00	
				1,000 00
Feb'y	6.	2,782 cubic yards placed in Upper Line protection levee at $1.00		2,782 00
				974,066 31

1110 *Account of Work Done in the 3d Draining District by the Miss. and Mexican Gulf Ship Canal Co., as per Bill Book on File in the Office of City Surveyor.*

1871.			
July	7.	8,619 cubic yards excavated — Marigny canal @ 50c. per yard	4,309 50
Aug.	2.	8,538 cubic yards excavated in Marigny canal @ 50c.	4,269 00
Sept.	1.	11,874 cubic yards excavated in Marigny canal @ 50c.	5,937 00
Oct.	2.	9,749 cubic yards excavated in Marigny canal @ 50c.	4,874 50
Nov.	1.	9,789 cubic yards excavated in Marigny canal @ 50c.	4,894 50
Dec.	1.	8,234 cubic yards excavated in Marigny canal @ 50c.	4,117 00
1872.			
Jan.	2.	6,399 cubic yards excavated as above	3,199 50
Feb'y	2.	10,544 cubic yds., as above	5,272 00
M'ch	5.	7,061 cubic yds., as above	3,530 50
Apr.	1.	6,348 cubic yards excavated in Marigny canal, etc., @ 50c. per yard	3,174 00
May	3.	8,062 cubic yards excavated as above	4,031 00
June	4.	12,901 cubic yards excavated in Broad St. canal, etc., @ 50c. per yard	6,450 50
July	2.	9,371 cubic yards excavated in Marigny canal, etc., @ 50c.	4,685 50

1872.			
Aug.	5.	10,820 cubic yards, as above	5,410 00
Sept.	5.	9,738 cubic yards, as above	4,869 00
Oct.	4.	5,084 cubic yards excavated in London Ave. canal @ 50c.	2,542 00
Nov.	5.	7,828 cubic yards, as above	3,914 00
1873.			
Apr.	10.	5,000 cubic yards, cutting channel for entering London Ave., @ 50c.	2,500 00
			77,979 50
1111			
1873.			77,979 50
May	6.	5,069 cubic yards excavated in London Ave. canal @ 50c.	2,534 50
June	6.	8,564 cubic yards, as above	4,282 00
July	8.	3,537 cubic yards placed in People's Ave. levee @ 37½	1,326 37
	8.	19,343 cubic yards excavated in London Ave. canal, etc , @ 50c.	9,671 50
Aug.	12.	13,585 cubic yards, as above	6,792 50
"	12.	8,170 cubic yards placed in People's Ave. levee @ 37½	3,063 75
Sept.	8.	16,264 cubic yards excavated in London Ave. canal @ 50c.	8,132 00
	8.	9,861 cubic yards placed in People's Ave. levee @ 37½	3,697 87
Oct.	8.	13,906 cubic yards excavated in London Ave., etc., @ 50c.	6,953 00
	8.	6,680 cubic yards placed in People's Ave. levee @ 37½	2,505 00
Nov.	10.	13,939 cubic yards excavated in London Ave. canal, etc., @ 50c.	6,969 50
	10.	6,466 cubic yards placed in People's Ave. levee @ 37½	2,424 75
Dec.	9.	11,538 cubic yards excavated in London Ave. canal @ 50c.	5,769 00
	9.	6,463 cubic yds. placed on People's Ave. levee @ 37½	2,423 62
1874.			
Jan'y	10.	11,991 cubic yards excavated — London Ave. canal, etc., @ 50c.	5,995 50
	10.	7,550 cubic yards placed in People's Ave. levee @ 37½	2,831 25
Feb'y	5.	12,538 cubic yards excavated in London Ave. canal @ 50c.	6,269 00
			159,620 61
1112			
1874.			159,620 61
Feb'y	5.	7,498 cubic yards placed in People's Ave. levee @ 37½	2,811 75
M'ch	9.	13,191 cubic yards excavated in London Ave. canal, etc. @ 50c.	6,595 50
	9.	7,399 cubic yards placed in People's Avenue levee at 37½	2,774 62
Apr.	3.	14,273 cubic yds. excavated in London Ave. canal at 50c.	7,136 50
	3.	9,502 cubic yards placed in People's Ave. levee at 37½	3,563 25
May	11.	13,126 cubic yards excavated in London Ave. canal, etc., at 50c.	6,563 00
	11.	6,526 cubic yds. placed in People's Ave. levee at 37½	2,447 25
June	6.	14,755 cubic yds. excavated in London Ave. canal, etc., at 50	7,377 50
	6.	9,383 cubic yards placed in People's Ave. levee at 37½	3,518 62
July	9.	19,636 cubic yards excavating in London Ave. canal at 50c.	9,818 00
	9.	13,323 cubic yards placed in People's Ave. levee at 37½	4,996 12
Aug.	5.	19,936 cubic yards excavated in London Ave. canal at 50c.	9,968 00
	5.	15,967 cubic yards placed in People's Ave. levee at 37½	5,987 62
Sept.	8.	16,030 cubic yards excavated in London Ave. canal, etc., at 50c.	8,015 00
	8.	12,492 cubic yards placed in People's Ave. levee, 37½	4,684 50
Oct.	7.	17,552 cubic yards excavated in London Ave. canal at 50c.	8,776 00
			254,653 84
1113			
1874.			254,653 84
Oct.	7.	11,040 cubic yards placed in People's Ave. levee at 37½	4,140 00
Nov.	6.	19,614 cubic yards excavated in London Ave. canal, etc., at 50c.	9,807 00
	6.	13,582 cubic yards placed in People's Ave. levee at 37½	5,093 25
Dec.	16.	20,106 cubic yards excavated in Penple's Ave. canal at 50c.	10,053 00
	16.	17,592 cubic yards placed in People's Ave. levee at 37½	6,597 00
	31.	15,838 cubic yards excavated in People's Ave. canal at 50c.	7,919 00

1874.			
Dec.	31.	13,858 cubic yards placed in People's Ave. protection levee at 37½	5,196 75
1875.			
Feb.	5.	2,500 cubic yards excavation in London Ave. canal at 50c.	1,250 00
	5.	9,740 cubic yards excavated in People's Ave. canal at 50c.	4,870 00
	5.	8,523 cubic yards placed in People's Ave. levee at 37½	3,196 12½
	16.	34,357 cubic yards placed as above, 12½	4,294 37½
M'ch	11.	5,695 cubic yards excavated in London Ave. canal at 50c.	2,847 50
	11.	18,431 cubic yards excavated in People's Ave. canal at 50c.	9,215 50
	11.	16,131 cubic yards placed in People's Ave. levee at 37½	6,049 00
Apr.	—.	25,302 cubic yds. excavated in People's Ave. canal at 50c.	12,651 00
		7,411 cubic yds. excavated in London Ave. canal at 50c.	3,705 50
		21,507 cubic yds. placed in People's Ave. protection levee at 37½	8,065 12½
			359,603 96½
1114			
1875.			359,603 96½
May	—.	17,810 cubic yards excavated in People's — canal at 50c.	8,905 00
		7,127 cubic yards excavated in London Ave. canal at 50c.	3,563 50
		15,600 cubic yards placed in People's protection levee at 37½	5,850 00
June	—.	20,150 cubic yards excavation in People's Ave. canal at 50c.	10,075 00
		17,650 cubic yards placed in People's Ave. levee at 37½	6,618 75
		56,600 cubic yards placed as above, 12½	7,075 00
July	—.	13,800 cubic yards excavated in People's Ave. canal at 50c.	6,900 00
		12,075 cubic yards placed in People's Ave. protection levee at 37½	4,528 12½
Aug.	—.	17,030 cubic yards excavated in People's Ave. canal at 50c.	8,515 00
		14,900 cubic yards placed in People's Ave. protection levee at 37½	5,587 50
Sept.	—.	7,120 cubic yds. excavated in London Ave. canal at 50c.	3,560 00
		7,200 cubic yards excavated in People's Ave. canal at 50c.	3,600 00
		9,427 cubic yards as above	4,713 50
		14,299 cubic yards placed in People's Ave. protection levee at 37½	5,362 12½
		2,178 cubic yards placed in Upper Line protection levee at 12½	2,716 00
		For grading & bridging, etc., at intersection of People's Ave. & M. & I. R. R.	2,000 00
Oct.	—.	4,420 cubic yards excavated in London Ave. canal at 50c.	2,210 00
			451,383 46½
1115			
1875.			451,383 46½
Oct.	—.	4,800 cubic yards excavated in People's Ave. canal at 50c.	2,400 00
		12,200 cubic yds. as above	6,100 00
		5,200 cubic yds. as above	2,600 00
		19,500 cubic yds. placed in People's Ave. protection levee at 37½	7,312 50
		For grading, bridging, etc., at intersection People's Ave. & M. & T. R. R'd	3,500 00
		Same as above	3,200 00
Nov.	—.	17,065 cubic yds. excavated in People's Ave. canal at 50c.	8,532 50
		14,932 cubic yds. placed in People's Ave. protection levee at 37½	5,599 50
Dec.	—.	6,847 cubic yds. excavated in London Ave. canal at 50c.	3,423 50
		16,113 cubic yards excavated in People's Ave. canal at 50c.	8,056 50
		14,099 cubic yds. placed in People's Ave. levee at 37½	5,287 12½
1876.			
Jan'y	7.	11,241 cubic yds. excavated in Lower Line canal at 50c.	5,620 50
		9,836 cubic yds. placed in Lower Line protection levee at 37½	3,688 50
Feb'y	5.	14,416 cubic yds. excavated in Lower Line canal at 50c.	7,208 00
	5.	6,312 cubic yds. excavated in London Ave. canal at 50c.	3,156 00
	5.	12,614 cubic yds. placed in Lower Line levee at 37½	4,730 25
M'ch	3.	12,800 cubic yds. excavated in Lower Line canal at 50c.	6,400 00
			538,198 34

1116

1876.				538,198 34
M'ch	3.	11,200 cubic yds. placed in Lower Line levee at 37½		4,200 00
Apr.	4.	12,437 cubic yds. excavated in Lower Line canal at 50c.		6,218 50
	4.	10,883 cubic yds. placed in Lower Line levee at 37½		4,081 12½
	4.	69,217 cubic yds. placed as above, at 12½		8,652 12½
	4.	6,200 cubic yds. excavated in People's Ave canal at 50c.		3,100 00
	4.	5,428 cubic yds. placed in People's Ave. levee at 37½		2,035 00
May.	—.	12,036 cubic yds. excavated in People's Ave. at 50c., final estimate		6,018 00
		10,833 cubic yds. placed in People's Ave., levee at 37½, final estimate		4,062 37½
				576,565 46½

1117 *Account of Work Done in the Fourth Draining District by the Miss. and Mexican Gulf Ship Canal Company, as per Bill Book on File in the Office of City Surveyor.*

1876.				
Apr.	—.	13,400 cubic yards of earth excavated in Lower Line canal up to 25th April, 1876, at p'r yd.		6,700 00
		11,725 cubic yards of earth placed in Lower Line protection levee up to 25th April, 1876, at 37½c. per yard		4,396 87½
May.	—.	12,943 cubic yards of earth excavated in Lower Line canal up to 26th May, 1876, at 50c. per yard, final estimate		6,471 40
		11,287 cubic yards of earth placed in Lower Line protection levee up to 26th May, 1876, at 37½ per yard, final estimate		4,232.62½
				21,801 00

1118 *Amount of Miscellaneous Work Done by the Miss. and Mexican Gulf Ship Canal Company, as per Bill Book on File in the Office of the City Surveyor.*

1874.				
Sept.	21.	For lumber furnished for building bulkhead at lake end protection levee	653 40	
		For building R. R. bridge over 14th St. canal	1,150 00	
		" " " Upper Line canal	1,200 00	
		" turnout at Washington ave.	1,360 00	
				4,363 40
	23.	For building R. R. bridge over Washington avenue—cypress timber		1,235 00
Nov.	23.	For constructing bridge & culverts at People's avenue & Gentilly r'd, at Carrollton avenue and Tenth St., and at Dublin avenue, draining machine, on ac.		3,800 00
Dec.	23.	Balance in full for building bridge over People's Ave. canal at Gentilly road		1,642 37
1875.				
July	—.	For taking down and replacing bridge over Claiborne canal for dredge-boats		1,500 00
Aug.	—.	For turnout, track, etc., at the intersection of People's ave. & M. & T. R. R., on ac.		4,300 00
		For taking down and replacing bridge over Claiborne canal for dredge-boats, balance due on ac.		434 00
1876.				
Jan'y	7.	For building bridge over Dublin Ave. canal near 10th St.		750 00
				18,024 77

1119 United States Circuit Court, Eastern District of Louisiana.

JAMES W. PEAKE
vs.
CITY OF NEW ORLEANS. } No. 11614.

On reference before O. S. Sansum, Esq., special master.

Testimony taken on behalf of the defendant under order of reference, at the city of New Orleans, this 29th day of November, 1888.

Present: Carleton Hunt, Esqr., for the city of New Orleans; Harry H. Hall & White & Saunders, Esqrs., for the board of liquidation of the city debt; Richard De Gray, Esq., for the plaintiff.

JAMES B. GUTHERIE, sworn for the defendant, says:

By Mr. HALL:

Q. You are a member of the New Orleans bar?
A. Yes, sir.
Q. Have you been connected with collection of drainage taxes?
A. Yes, sir.
Q. For how long?
A. Well, in one capacity or another I have been cennected with that matter ever since the year 1873 or 1874; the winter of 1873 and 1874 my connection began.

1120 Q. State, in brief, your knowledge of this drainage matter, in so far as it has reference to the controversy involved here.

A. In 1873 or 1874 Mr. Van Norden had charge of the drainage work. I think then he was the financial agent of the Mississippi and Mexican Gulf Ship Canal Company; at any rate he had control of all the drainage warrants that were given for the labor of digging the drainage canals. He employed me as an agent of his to see the tax-payers, those who owed drainage taxes, and secure the payment of the taxes from these people. My method of doing that was, I employed a number of clerks and canvassers, and we then obtained lists at the city hall of the parties who owed on the drainage assessments. We saw them personally and solicited the payment of their taxes on the assessments for drainage, and we induced them to do so by giving them a discount; that discount was made through and by means of these drainage warrants. Van Norden furnished me these drainage warrants at a certain discount, and out of that discount I allowed the tax-payers a portion. By these inducements I prevailed upon a large number of people to pay their drainage assessments. I had an office on Gravier street, and I would deposit my warrants at the city hall in charge of the drainage bureau, and gave my drafts against the warrants until my taxes amounted to the warrants deposited.

Q. You were employed, as I understand, by Van Norden as the representative of the Mississippi & Mexican Gulf Ship Canal Co. to do this work?
A. Yes, sir.

Q. What proportion of the drainage taxes, comparatively speaking, was collected between 1874 and 1876?

Mr. De Gray, for the plaintiff, objects on the ground that what was collected is a matter of record and figures and not a matter of recollection.

1121 A. I cannot remember.

Q. I mean was it the greater or less part of it?

Same objection by Mr. De Gray.

A. I collected more taxes between 1873 and 1876 than I have ever done since.

Q. What was done with regard to the collection of the taxes upon improved property?

A. Well, we found very much less difficulty in collecting the taxes upon improved property than upon unimproved property.

Mr. De Gray: If the witness proposes to state any thing that is documentary, I object to his testimony as not being the best evidence.

Witness: These assessments for drainage were laid upon the superficial square foot, and therefore in the case of a lot of ground that had improvements upon it the proportion existing between the real value of the property and the assessment would be very small. An improved lot might be worth $3,000 because of the houses upon it, and the assessment upon that lot for drainage purposes would not be over, probably, $10 or $12.

Q. And therefore, as I understand you, upon the improved property you collected without great difficulty the greater part of the taxes?

Mr. De Gray objects to the question as leading.

A. Yes, sir.

Q. Now, state about, in round figures, how much money you collected from Mr. Van Norden from the time you undertook this work in 1873 up to 1876.

Mr. De Gray objects on the ground that the collections between these years are exactly demonstrated by the bills in the drainage bureau.

1122 A. Well, I am quite sure I collected over $200,000; of course, this is a matter of memory, but from the business I should say that I collected fully or over $200,000 in taxes.

Q. How did the city receive these taxes, in cash or warrants?

A. These collections were partly in cash and partly in warrants. That will show that my work stimulated the payment of the taxes, while the bulk of it would go through my office on account of my personal work, and that there was a greater amount and more than would otherwise have been paid that would go to the city hall and was paid in cash, and that amount that was paid in cash would be absorbed by the warrant-holders directly from the city treasury.

Q. Who were these warrant-holders?

A. Mr. Van Norden was the only warrant-holder that I knew, as he controlled them. I got them from him, and the collections that I made were entirely represented by warrants—that is, direct. I paid for them in warrants.

Q. After the drainage bureau was organized by the city of New Orleans in 1876 did you or not continue the work of these collections?

A. Yes, sir.

Q. With what success?

A. Well, with the success—that at first was arranged very much as it had been going on.

Mr. De Gray objects on the ground that all the arrangements are in writing.

WITNESS: My success at first was about equal to the collections in amount that I was making at the time that the change in the method was effected.

Q. Was there any change later on?

A. Well, very soon after that—that was in 1876 that I
1123 was named collector by Mr. Van Norden and ratified by the city council. Then, I think as early as 1877, the Legislature began to be inimical or show enmity towards the collection of the drainage and passed laws that very materially lessened the ability of the collector to collect the drainage taxes.

Q. Was that the only reason that impaired your ability to collect them?

A. Well, that was one of the reasons; but the main reason was that the cream of the taxes, so to speak, had been collected during the past three or four years of the taxes on improved property. There was a large amount of taxes due upon unimproved property, where the proportion of the taxes to the value of the property was so great that people hesitated very much as to the advisability of paying the taxes, and on many occasions it was much to their interest to abandon them and lose rather than to pay these drainage taxes.

Q. Why was that?

A. Because the value of the lands, in many instances, was less than the assessment of the drainage. That was because the assessment was upon a superficial area. If you take a square of ordinary ground the drainage assessment would range from $250 to $300, and sometimes over that; on an average, $275 to $300 a square. In many instances, if the squares were put up at auction, they would not bring $300.

Q. In 1880 about what proportion of the drainage taxes were collected upon property which was worth more than the drainage tax—that is to say, did it equal or approximate the value?

A. I should say that from $\frac{7}{10}$ to $\frac{8}{10}$ of the taxes upon improved
1124 property and on valuable property had been collected. Now, I wish to state that there was much of this money for drainage assessments that had been collected previous to my taking hold

of it at all. There had been a large amount of the drainage assessments collected by the drainage commissioners—that is, before the city of New Orleans became subrogated to the rights and powers and duties of the old drainage commissioners.

Mr. De Gray, for the plaintiff, objects on the ground that the precise amount collected by the drainage commissioners up to the time that the witness took charge of this matter is a matter of figures, and that the record speaks for itself.

Q. These assessments which you undertook to collect were made under the act of 1858?

A. Yes, sir; the act of 1858 and the amendment of 1859 and 1861; then there was the act No. 30 of 1871.

Q. Had the fact of the long standing of these assessments any effect upon the collection of the drainage tax as to finding the people or the owners of the property?

A. Very great, because these assessments were made in the name of the original owners of the property at the time the rolls were made up. These people, in a great many instances, could not be found at all, and when found they would say, "I sold that property years ago," and that would oblige me to go to the conveyance office and search out the title. Many times we done a great deal of work before we could find the owner, and that by means of the conveyance office and the assessments at the city hall; but that did not help us, because the square would have been divided up into lots and made different from the plan of the drainage commissioners. This inability to find the owners gave us a great deal of work that we did not contemplate at first in the collections.

Q. I understand you stated a short time ago that the cream
1125 of these collections had been made about the time that the city took possession, and that up to 1880 probably from 7 to $\frac{8}{10}$ of the assessments upon the valuable improved property had been collected.

Mr. De Gray for the plaintiff objects on the ground that the question does not refer to the evidence as given by the witness or to the condition of things as disclosed by the witness as given.

Q. What would you consider to be the value of the unimproved property or property which figures upon the assessment-rolls to $600,000? What would you consider the value of that property to be, in so far as the same is available for the collection of these assessments?

Mr. De Gray objects to the question on the ground that it is too general; that it is not directed to any specific portion or locality of the 26,000 acres of land embraced in the drainage territory.

A. I do not know that I could answer that question as I understand you to put it. If you mean taking for granted that there are $650,000 for drainage due, it would be the estimation of the value of the real estate upon which the assessment is due.

Q. What I mean to say is this: Assuming there to be nominally

$600,000 of uncollectible assessments, you know substantially the character of the property upon which this assessment rests?

A. Yes, sir; that the bulk of these assessments rests upon property not worth the assessment.

Q. Now, taking into consideration the expense of trying to collect that sum by legal means and otherwise on the whole of that property being insufficient to meet the legal costs of collection, how much of the money could be realized from these collections out of all this property?

1126 A. I should say under $50,000. I do not think that any process with which I am familiar could be made to realize $50,000 out of the drainage assessment of the property belonging to individuals. Now, I want to say I cannot now remember whether this assessment of $50,000 of uncollected drainage has any reference to the assessments made upon the streets.

Q. I will ask the question without reference to the streets, public places, and public buildings of the city of New Orleans. I exclude them from the question.

A. Well, excluding them from the question, and assuming that there are $600,000 in the aggregate of drainage assessments, and taking into consideration the necessary labor and expense to make anything like a collection, on reflection I would not say that anything approximating $50,000 could be collected, and I want to say why: Because, as I remember the properties and the assessments and my knowledge of the business, the great bulk of them rests upon property that could not be made to bring at a public sale the amount of the assessment.

Q. As a matter of fact, was there any attempt, either by you or Van Norden or by the commissioners, to sell that property?

A. Yes, sir.

Mr. De Gray objects on the ground that the attempt, if made under legal process, is a matter of record and of law and not of recollection.

A. Yes, sir; a great many *fi. fas.* were issued and seizures were made and the properties sold, and, so far as I recollect, in almost every instance the property was bid in by Van Norden and paid for by the warrants in his possession and the taxes canceled in that mode. There may be a few cases wherein other people bid, but very few. When I say Van Norden bought them I mean

1127 the people he interposed in his name, and they got the warrants from him. I do not know that Van Norden used his name in all the sales, but almost the whole of them.

Q. In whose names would these sales be taken?

A. There was a Mr. Delano, in whose name a great deal were bought, and I think some of them were bought in Van Norden's name.

Q. What became of the property so adjudicated?

A. Well, there were one or two instances where the parties came to me and we arranged a settlement for the retransfer of the property and released the interests of Delano or Van Norden or whoever

held it, but the great bulk of it—nothing has ever been done with it. The great bulk of it was not taken possession of, and I suppose the property has been abandoned for the taxes.

Mr. De Gray objects to all of the above.

Q. Did they ever pay, so far as your knowledge is concerned, any taxes upon it?

Mr. De Gray objects as a matter of record.

A. Not that I know of.

Q. Now, to what extent did you use your exertions to collect these taxes, and to what extent, if any, were you interfered with by the city attorneys, or were you aided by the city attorneys?

A. Well, I put forth every endeavor possible consistent with the means at my disposal to collect the taxes. I had a force of employés at work upon the matter, and I had frequent conferences with the city attorneys, and they all seemed disposed to help us along as far as possible, and they did give me all the assistance that I could expect from them. You see, the duty of issuing the *fi. fa.* was not mine; it was upon the city, and we had frequent conferences about that, and when we did issue a *fi. fa.* it was so unsatisfactory, and which had to be paid for by the city, that there
1128 seemed to be very little encouragement to adopt that method, and the great bulk of it was done by personal solicitation and efforts from the office and other means.

Q. Who was city attorney at that time?

A. Mr. Buck was city attorney for some time, but Mr. Blanc had special charge of that matter.

Q. What action did he take in that matter?

A. He aided me in a general way.

Mr. De Gray objects to what Mr. Blanc done in a general way.

WITNESS: Mr. Blanc and the other city attorneys—as they came into office I had frequent interviews with them, and we talked this matter of drainage over and the desirability of collecting the taxes; that it was very oppressive upon those who held the warrants, and I wanted to collect the taxes, as it was my duty and my interest in every way, and we were met at all times by the difficulties coming from the Legislature.

Q. Not prior to 1877?

A. No, sir; not prior to 1877, but after 1877 the Legislature was inimical to the drainage, and the decision of the supreme court did not encourage the drainage-tax payers to pay. When we brought a case we brought it for the purpose of attacking the constitutionality of the law, which I think was passed in 1877, which relieved a large portion or the whole section of the country back of Claiborne street. This district was entirely relieved by the Legislature of the drainage assessment, and that law, after the delays incident to a lawsuit, was pronounced unconstitutional by the supreme court. That law was such as to paralyze us.

Q. Up to the time of the rendition of the decision to which you

refer by the supreme court I understand you to say that everything had been done that could be done for the collection of the taxes?

1129 A. Yes, sir.

Q. Did you collect the amount you stated at a time prior?

A. Yes, sir.

Q. The greater part of all the collectible assessments had actually been collected?

A. Yes, sir; that is true.

Q. So that after all--state what material effect, in dollars and cents, if any, the rendition of that decision had upon the collection of the drainage taxes.

Mr. De Gray objects on the ground that it assumes a condition of things not disclosed by the witness.

A. The decision probably did not affect the matter in the amount, but it did in the number of collections that could be made, because every man who would read the judgment saw that the whole thing was gone, although there were four drainage districts.

Q. At the time of the rendition of this judgment to which you refer on the unconstitutionality of the act of the Legislature what was the character of the collections—I mean to say as to value?

A. Well, on the unimproved property there was a great deal of taxes remaining unpaid.

Q. Were you yourself connected with the drainage bureau in the city hall?

A. Yes, sir.

Q. What is being done in the city hall now and what is being done by you?

A. Well, we have a force ready and make an effort to collect the taxes as fast as we can.

Q. What is being done with the money as you collect it?

A. It is all paid into the city treasury?

1130 Q. What is it devoted to—what is being done with it—after being paid into the city treasury?

Mr. De Gray objects on the ground that that is a matter of figures and is all detailed in the reports and in the books.

A. Well, the money that goes into the treasury is used for the expenses of the drainage bureau, and whatever surplus there is it goes to the credit of the warrants; there is not much surplus these days.

Q. Do you know anything about the character and the location of the property bought in by the drainage commissioners?

A. Yes, sir.

Q. What is the character of that property?

A. Well, it is very low, swampy ground, under water, and lies along the edge of the lake; there is a little rim of property lying between it and the lake; in some places I think the property touched upon the lake, but the bulk of it was property beyond the Metarie Ridge and between there and the lake.

Q. Did you ever make a personal examination of it?
A. Yes, sir. I went over the property.
Q. Did you make any estimate of its value; if so, what was it?
A. I did not think it was worth anything.

Mr. De Gray objects on the ground that there is no evidence that the witness is a judge of the value of real estate in any respect.

WITNESS: I would say that I would not have taken the whole of it as a gift from anybody to pay the taxes on it.

Mr. De Gray objects to the addenda not called for by the question, and on further grounnd that what the witness would or would not do is no indication of what other people would do.

1131 Q. What was the policy, as evidenced by their actions, of the Mississippi & Mexican Gulf Ship Canal Co. in regard to enforcing the collections of these assessments by the sale of this character of property?

Mr. De Gray objects to the question on the ground that what was done is best evidenced by an examination of the records on which it was done.

A. Well, the representatives of the Mississippi & Mexican Gulf Ship Canal Co. were very anxious to have all the taxes for drainage collected if possible, and my remembrance is that it was at the suggestion of that company or its representatives that I made this examination of the property with the view of seeing whether these properties that belonged to the drainage commissioners and had been taken in the purchase of drainage assessments could not be sold and something realized from it that would help the warrant-holders, and my report was——

Mr. De Gray objects to the report of the witness; if it is in writing produce it.

WITNESS: It was not in writing, but it was to the effect that it would not do to sell that property, because I did not think it would pay for the advertisements.

Q. When they had to deal with that character of property did they or not attempt to sell it? What was their policy or line of conduct with regard to that, where they made up their minds or you made up your mind that that property was not worth the assessment?

A. Why, then we let it alone and did not do anything with it.

Q. Was any property sold by these commissioners or by you for anything less than the assessment?

A. No, sir; under the law it could not be sold for less than
1132 the assessment, but it did not bring the assessment. In every instance out there the assessment was greater than the value of the property.

Q. When a sale was made to collect the drainage taxes what effect did that have upon the city taxes?

M. De Gray objects to the question and the answer.

A. It did not affect or cancel the city taxes, and — purchaser bought the property subject to all other taxes existing at the time. I want to say right there that the collection of the city and State taxes had a great and marked effect in depressing the collections, because these properties lying back of the city, where the bulk of the tax assessments are to be found, had so depressed in value that the owners had refrained from paying taxes for many years, and in a great majority of instances they complicated the collections and the advisability of trying to realize the drainage tax from any forced sale.

Q. What effect had the proclamation of the mayor *have* upon your efforts and of the city attorneys to collect these taxes, if any?

A. Well, we did not pay any attention to the mayor's proclamation; we did not regard it as anything binding upon us, and the city attorneys did not. We did as much to collect the taxes afterwards as we did before.

Q. What effect did the action of the supreme court on the acts of 1877 have upon your conduct?

A. Nothing whatever; we made efforts, but the success of our efforts was somewhat lessened by it.

Q. Do you know whether or not the Mississippi & Mexican Gulf Ship Canal Co. at the time of the transfer to Van Norden was solvent or insolvent?

1133 Mr. De Gray objects on the ground that it has no possible connection with any issue in this case, and on the further ground that no date is specified.

A. Well, I have no positive knowledge of it, but my impression is that that company was not solvent at that time.

Mr. De Gray objects on the ground that impressions are not evidence.

Q. Who held the greater number of these drainage warrants at all times that these warrants were issued, as far as they were presented for payment at the city hall and as far as the taxes were paid in drainage warrants during your connection with the drainage system?

A. All the warrants that were used for the payment of the taxes belonged to or were under the control of Van Norden.

Q. Who was injured by the payment of the taxes in these warrants, if anybody? In other words, if the payment of the taxes was in warrants and Van Norden held these warrants, who got the benefit of them?

A. Van Norden got the benefit of them; the taxes were payable in warrants to benefit the tax-payer, and the tax-payer did pay in warrants, and Van Norden was benefited because the tax-payer paid less.

Q. When there was cash paid into the city hall how was that cash taken out?

A. The cash was exchanged for a drainage warrant.

Q. Who held this warrant?

A. I do not know, except Mr. Van Norden and his representatives

Q. You spoke just now of the issuing of a large number of *fi. fas.* Can you recall anything else that was done by the drainage bureau with regard to the collection of this tax?

1134 A. Well, we put forth a great deal of work and effort to revive the judgments. These judgments were rendered a great many years ago; they were rendered at different dates in the various drainage districts. When the first judgment was expiring, why, we put forth a tremendous amount of work to revive these judgments, and I remember in the second drainage district I paid out a great deal of money in paying canvassers and deputy sheriffs to revive these judgments, wherever we could find the parties. I also served the present owners where we could not find the original owners.

Q. How many suits of that kind were brought?

A. There was a suit for each judgment; the defendants, of course, wery very numerous. I do not know that I ever done work harder than that; there were hundreds of defendants. In many instances we found a state of facts like this: A square of ground had been sold out in lots, the original owner dead, and then we made an effort to cite in the present owners, of those that had not paid in the square.

The witness, being shown the yellow document marked A. Z., says: This is a sample of the notices that were issued from the drainage bureau by me, and I will say that we issued a notice like that to every tax-payer who owed the drainage where we could possibly find him, and in hundreds of cases these notices were delivered personally by my clerks to the parties, because we found it was utterly impossible to trust to the mails for them, for in many instances they could not be found, but by having a personal inspection we found where the parties were or where they went. There were hundreds and thousands of these notices issued by me.

Q. In issuing writs of *fieri facias* against debtors for drain-

1135 age tax who prepared the description of the property?

A. The descriptions of the properties were prepared by us in the drainage bureau and then handed to the city attorney.

Q. Was that much work?

A. Yes, sir; involving a great deal of work, because we described the property minutely by metes and bounds and by measurements.

Q. After all this testimony what is it which you gentlemen charged with this matter could have done in the collection of these drainage taxes that you did not have done?

A. I do not know that we could have done—that we could have done judiciously. We could have issued more notices and paid more costs.

Q. What was the character of Mr. Blanc, to whom you referred, as city attorney for energy, etc.?

A. He was a man of thorough energy and perseverence—a man of great push. He was of very great service to me, and was really enthusiastic in his endeavors to collect. He done everything that could be done.

Q. What have you to say with reference to the other city attorneys and assistant city attorneys in that matter?

Mr. De Gray objects on the ground that it is of no consequence, as the question is, Have the parties done all they could? and the court will determine that.

WITNESS: I will say that the city attorneys from Mr. Blanc—I do not remember who the city attorney was in 1876 if it was not Mr. Blanc; but it seems that I had so much to do with Mr. Blanc in the matter. It seems to me he must have been in when I went in as collector; but we had many consultations together in regard to the forms to be printed for the court proceedings.

Q. How about the expense of the clerk hire—of keeping this matter going?

1136 A. Well, the drainage bureau—it was paid by me from my receipts in the bureau, and then the city attorneys were always efficient and helpful in the matter of oppositions where the drainage taxes were due upon properties in insolvency and successions. We would furnish them with lists of the properties, and the city attorneys would file oppositions, and some collections were made in that way.

Mr. Hall offers in evidence, in connection with the testimony of this witness, the document marked A Z, as follows:

3rd drainage district, drainage bureau, department of public accounts, city hall.

NEW ORLEANS, *May* 17, 1880.

M. W'd I. Weber:

You are hereby notified that you are indebted to the city of New Orleans for the drainage assessment on your property in square No. 770, lot 6 or 10, on Solidelle, St. Anthony, Bagatelle, Prosper St., amounting to $19.80, less am't paid on account.

A desire to save you the annoyance and heavy costs incident to a seizure and sale of your property by the sheriff prompts me to serve you this last notice, and unless the payment is made immediately a *fi. fa.* will be issued and the property advertised and sold according to law.

JAMES B. GUTHRIE,
Collector of Drainage.

By Mr. HUNT:

Q. Was not that property usually under water when it rained?

Mr. De Gray objects to the question as leading.

Q. What was the condition of that property during rain storms, when they prevailed?

1137 Mr. De Gray objects because the preceding question is the basis of the second.

A. With reference to the property lying back of the city at the Metarie Ridge?

Q. Yes, sir.

A. Well, it was swamp and in rainy weather it was covered with water.

By Mr. HALL:

Q. There is a statement here issued from the city hall, entitled "recapitulation" of the amount of the Mississippi & Mexican Gulf Ship Canal Co. drainage warrants changed into gold bonds, which will be offered in evidence here, and upon the first and second pages of that statement it appears by the recital herein that gold bonds were issued in 1872 to a Mr. J. W. Pearce, to Robert Shortridge, and to W. E. Willett. Who are these three gentlemen?

A. Mr. Pearce was a clerk of Mr. Van Norden.

Q. Who was Mr. Shortridge?

A. Mr. Shortridge was a nephew of Mr. Moody, and was at one time a clerk of Mr. Van Norden.

Q. Who was Mr. Willett?

A. Mr. Willett was another nephew of Mr. Moody, and Mr. Willett is also an employé of Mr. Van Norden on the drainage boats as engineer.

Q. What connection had the Mr. Moody referred to with Mr. Van Norden?

A. Mr. Moody was Mr. Van Norden's general superintendent of work.

Q. Had any of these gentlemen—Pearce, Shortridge, or Willett—any interest in these gold bonds issued?

A. I do not think so. I cannot say.

Q. Here appears on the 10 of May, 1872, gold bonds issued to I. W. Pearce, amounting to $54,000; on the 16th of May, $22,000; on the 19th of August, $35,000; on the 12th of August, $37,000; on
1138 the 10 of September, $38,000; on the 12th of October the sum of $38,000—in 1872.

A. I cannot say that Pearce was a clerk of Van Norden at that time. He had been a clerk of Mr. Van Norden when Van Norden was engaged in the butter and cheese business on Tchoupitoulas street; but my impression is that in 1872 Van Norden had closed that business up, but Pearce had been a clerk of his.

Q. What was Pearce doing in 1872?

A. I do not know.

Q. Where is he now?

A. I do not know.

Q. Was he a man of large means—a capitalist?

A. Well, the dates—I cannot remember them. Mr. Pearce inherited some money from his father. I think his father had not died as early as 1872, and my impression is that Pearce came into some money from his father in 1875 or 1876.

Q. Then in 1872 or prior to 1872 he had been a clerk of Mr. Van Norden?

A. He had been a clerk of Van Norden up to the time that Van

Norden closed his butter and cheese business. Mr. Pearce was a clerk in his store.

By Mr. SAUNDERS:

Q. Was he ever employed by Van Norden after Van Norden took charge of the drainage?

A. I do not think he was.

By Mr. HALL:

Q. Was he a capitalist, a man likely to have a large amount of money?

A. No, sir; he was not.

Q. Who was Robert Shortridge in 1872?

A. Shortridge is, as I said, a nephew of Mr. Moody.

1139 Q. What was his business or occupation?

A. My remembrance is that just at that time—I cannot say, but I remember Shortridge as time-keeper for Mr. Van Norden in the drainage work.

Q. Was he a man of large means?

A. No, sir; he has never been a man of large means. At that time he was not. In 1880 he married a lady of some means, but before that he was quite poor.

Q. Where is he now?

A. I think he is in the city of New Orleans. I think he was a deputy marshal.

Q. You say that Mr. W. E. Willett was also a nephew of Mr. Moody?

A. Yes, sir.

Q. Was he a clerk of Mr. Van Norden?

A. Yes, sir; he was an engineer on the dredge-boat.

Q. Was he a man of means?

A. No, sir.

Q. Is he living now?

A. Yes, sir; I think he is. I saw him last summer at Carrollton. My impression is that Van Norden got all these bonds recited, because these parties were merely the representatives of Van Norden.

Cross-examination by Mr. DE GRAY:

Q. I understand you to say that you were appointed or employed by Van Norden sometimes to collect the drainage taxes. Will you designate the date, as nearly as you can?

A. I think it was in the spring of 1874 or the late fall of 1873. I should say it was between December, 1873, and February,

1140 1874. I think that was when I first made my connection with him in that respect.

Q. When did you enter actively on the duties of your office?

A. Immediately in the spring of 1874.

Q. Was Mr. Van Norden the collector of the drainage taxes?

A. No, sir; he has the holder of these warrants.

Q. He was the representative of the Mississippi & Mexican Gulf Ship Canal Co. in doing the work?

A. Yes, sir.

Q. Whose duties was it, under the law, to collect the drainage taxes? Was it Mr. Van Norden's or the city of New Orleans'?

A. Well, the city of New Orleans'. The administrators of the city of New Orleans at that time were subrogated to the powers and duties of the old drainage commissioners. If it was anybody's duty I suppose it was the duty of the administrators of the city at that time.

Q. Why should Van Norden undertake the collection of the drainage tax through you if it was the duty of the city of New Orleans to collect them?

A. I do not know why, excepting that he had confidence in my ability to collect the tax.

Q. Why should he be called upon to collect them when he was the recipient of the tax, when it was the duty of the city of New Orleans to collect them and pay them to him?

A. I do not know why he should, excepting the fact that I have stated—that he wished me to do it.

Q. Now, was it not because the city of New Orleans showed great reluctance to enforce the drainage tax that he employed you to enforce the collection in order that he might get what was due him from the city?

1141 A. Well, the taxes were not collected sufficiently rapid to suit the demands of Mr. Van Norden, who was doing the work.

Q. How much had the city of New Orleans collected up to the time it took charge—up to the time you were employed? The city had taken it in 1871, and you undertook the work of these collections in January, 1874, or the spring of 1874?

A. Yes, sir.

Q. How much did the city collect up to that time?

A. I cannot say.

Q. Was it not a very inconsiderable amount?

A. Well, it was not a very great deal up to that time.

Q. Was it not true that up to that time the city did not put forth any efforts to collect these taxes at all?

A. Well, so far as I know, there was no effort beyond the keeping of its offices open.

Q. If anybody came there they took the money, and that was all the effort that was made. Is not that the fact?

A. So far as I know, yes. I do not know anything about that.

Q. You were examined as a witness in a certain case that Van Norden brought against the city of New Orleans—a mandamus case—reported in the 26th annual of the annual reports, were you not?

A. I do not remember.

Q. Do you want me to read to you the evidence that you gave in that case?

A. Yes, sir; if you have it, because I certainly have no remembrance of it.

Q. Did you not testify in that case that when you approached parties who owed the drainage tax the principal reason that they

gave for not paying it was that the interest on the drainage
1142 was only 6 per cent., while money in the market was worth 8 per cent., and that they did not propose to pay the tax as long as the city did not compel them?

A. I do not remember, but, as a matter of fact, I remember people saying these things to me. I cannot say, however, that such was the universal manner of acting.

Witness, being now shown the evidence as given by him in the mandamus case just referred to, is asked whether or not the facts as therein stated, which he gave in that case, are correct.

Mr. Hall, for the board of liquidation, objects, as it is not proven that that is the evidence which the witness gave, the document not being authenticated; and, secondly, he objects to the offering of any testimony heretofore given requiring, as the counsel for the complainant has done, that the witness be examined *de nova*, his testimony taken down and placed in the record. Mr. De Gray having stated that the testimony of Mr. Guthrie herein referred to was, as a matter of fact, rendered in the case entitled "The State on the relation of Van Norden against the Mayor, etc., No. 5735," and that he knows it to be a correct copy, the objection as to the necessity of having it certified is hereby withdrawn.

WITNESS: This all seems to me as though the facts there are correct, with the exception of the facts as to the amount that they collected being merely nominal. I think that referred to this unimproved property.

Q. In February, 1875, were not the collections merely nominal?

A. My recollection is that the collections were going on quite briskly in 1875.

Q. What do you call briskly?

A. I do not know what; "merely nominal." I should say now that the collections were merely nominal.

1143 The testimony referred to by the witness is the testimony read and filed in this case in 1888.

Q. What do you say in reference to that testimony? Is it correct or not?

A. Well, I say that the testimony, as a general thing, is correct; but I should say with regard to that question, as to the amount of the collections being merely nominal, I may have said what is there, but it would not have been the fact at that time, because I think I must have misunderstood the question. It seems to me that remark referred to properties that were unimproved; but about this per cent. interest, I can remember people saying that; a great many people said that to me; there must have been a report made at that time. I should say that my impressions at that time were correctly stated, but the only thing that I see in this testimony that I do not agree to is that I stated my collections were merely nominal I suppose that means in comparison with the collections at the start.

Q. What would you call a brisk collection of the drainage tax—for instance, how much a month?

A. Well, a brisk collection would have reference to the amount of good collectible taxes or the proportion of good collectible taxes that remained to be collected.

Q. You used the word "brisk" and "merely nominal" in connection with these taxes; I ask you the meaning of the words as thus used.

A. Well, I would have to refresh my mind by a reference to the books before I could answer that intelligently.

Q. At the time that you gave that testimony, in February, 1875, your recollection certainly must have been better at that date as to facts that immediately preceded it than your recollection now as to these facts, was it not?

1144 A. Well, I merely wanted to say about the word nominal that that must be understood with reference to and in comparison with the results of my labors anterior to that date, because if I had been asked now how the collections were going on in 1875 my remembrance would have led me to believe that I was collecting a great deal of taxes in 1875 without reference to my books at all.

Q. Then you were employed and paid for your services by Van Norden?

A. Yes, sir; at that time.

Q. This man to whom the drainage tax was due for digging the canals and building the levees?

A. Yes, sir; as the holder of the warrants.

Q. You have spoken of interviewing the holders or parties that owed the drainage tax and offering to them warrants for less than their face. How much less than their face?

A. Not offering the warrants, but offering to pay the tax. I simply undertook to settle the taxes at a discount.

Q. Then they paid you the money in lieu?

A. My remembrance is that I paid the taxes at 10 per cent. discount.

Q. Mr. Van Norden lost on his warrants how much?

A. Well, of course I had a commission in addition to that.

Q. How much was taken off the face of the warrant for the benefit of the party who used it in paying taxes?

A. My remembrance is that it was always fully 5 per cent. and sometimes 10; in larger bills they got a larger discount.

Q. What were your charges?

A. My agreement with Mr. Van Norden was that he should sell me the warrants at a specific discount; my remembrance is that I bought the warrants from him at 85 cents.

Q. Mr. Van Norden lost on all the taxes that were paid after you took charge up to the time of the transfer to the city of New

1145 Orleans 15 cents on the dollar?

A. On all taxes that passed directly through my hands?

Q. Yes; in drainage warrants.

A. Yes, sir; there were some payments made. There were some taxes paid on account of my serving them with notice. I did not go and get them at the city hall.

Q. But all the drainage warrants passed through your hands?

A. Yes, sir.

Q. Now, you have spoken of the Legislature passing certain acts that were hostile to the collection of the drainage tax, that affected their collection. While these acts were under discussion before the Legislature did you or did you not write a letter to the Legislature expressive of your views upon the drainage tax?

A. Yes, sir; I did. I made an effort.

Q. Have you got that letter?

A. I think I may have a copy of it some place among my papers, but I do not know.

Q. It was printed.

A. Yes, sir; it was.

Q. You have a copy of it?

A. I cannot say positively, but my impression is I may have a copy of it; that was in 1877, in the Legislature at Odd Fellows' Hall, I made an effort to defeat the passage of the drainage law.

Q. I understand you up to 1877 that all the taxes except on the swamp lands had been paid, and that the swamp lands were not worth the taxes; is not that the bulk of your examination?

A. Well, the greater portion of the taxes due in 1877 were on lands in the back portion of the city.

Q. If the lands were not worth the taxes assessed on them why did you try to impress upon the Legislature their duty in the
1146 premises? If it was not worth anything why did you bother yourself about it?

A. Well, I considered it my duty to prevent the passage of these laws.

Q. To prevent the passage of the law and enforce the collection of the taxes which, in your judgment, could not be collected?

A. Well, I could try and collect it. I was collector of the drainage. As the head or the drainage bureau it would be my duty to do everything I could to inform the Legislature of the state of facts and persuade them not to pass the law.

Q. But they did pass it?

A. Yes, sir; I saw Governor —— about it.

Q. Did you print your letter?

A. Yes, sir; it was a printed statement of whatever it was.

Q. And put upon the desk of each member of the Legislature?

A. Yes, sir; I suppose that you have got a copy of it.

Q. You have spoken of these rolls being very old when you came in charge of the land, and that the ownership had changed; will you tell us about when the assessment-rolls in the first drainage district were homologated?

A. I would not attempt to give the dates. I think I could approximate the rolls to the first drainage district.

Q. Yes; try and do it.

A. I do not know the records of the judgments in each case. They will show the dates at which the rolls were homologated, whatever the dates may be.

Q. How long have you been a lawyer practicing in Louisiana?

A. Since 1879.

Q. You have had a law office since that time?

A. Yes, sir.

Q. And engaged in general practice?

1147 A. Yes, sir; I have had two offices, one a law office and also an office at the city hall, or a desk there.

Q. How many hours a day did you spend at the city hall?

A. I did not go to the city hall very often.

Q. Very often is very indefinite; do you call it once a month?

A. Yes, sir; much oftener than once a month. I have had a clerk there that always spent several hours a day at the city hall.

Q. How do you know how many hours a day he spent *a day* there if you were not there yourself.

A. I do not know; but I know he was placed there by me, and he would perform the duties incumbent upon him as my representative. My duties as collector did not require my presence in the office very much; my duties required me outside.

Q. While you have been practicing law for the last five years what efforts have you made on the outside for the collection of the drainage tax?

A. Well, when a man begins to practice law he does not have a great deal of practice; I gave a great deal of my time for the first 5 years to drainage matters.

Q. What did you do?

A. I cannot remember since 1879 the exact details of my efforts, but I issued these notices and mailed them; I did not write them all myself.

Q. Is that notice A. Z. in your handwriting?

A. No, sir; that was written by my clerk; they were constantly written by my clerks and delivered.

Q. You instructed them to do that?

A. Yes, sir.

Q. Do you know whether they did it or not?

A. Yes, sir; frequently these notices here would bring the

1148 parties to the city hall, and if I was not there they would come to the office and see me.

By the MASTER:

Q. The question is what you have done personally.

A. I had the general supervision of that business.

By Mr. DE GRAY:

Q. That is too indefinite; I want to know what you did.

A. I superintended the matter of compiling and looking over the records to see where these notices should be sent; I had the responsibility and charge of the work.

Q. I ask you again for the acts that you in person did since you have been a practicing lawyer looking to the collection of this drainage tax.

A. I do not remember individually; but I have seen the individual parties and made efforts to arrange for the payment of them taxes.

Q. When do lawyers usually go to court in the city of New Orleans? What time of day?

A. About 11 o'clock, and get through at 3.

Q. Did you ever see any of these tax-payers during the hours between 11 and 3 while you were in court?

A. No, sir; but I employed the best man there was raised in the drainage bureau that has been employed by me, and he has given his time to that matter, and was more efficient than I was up there.

Q. Do you remember the case of Henrietta Davison against the city of New Orleans?

A. Yes, sir.

Q. You remember the law as to that case?

A. Yes, sir.

Q. Is it not a fact that since the decision in the Davison
1149 case it has been impossible to enforce by execution any drainage tax in the State of Louisiana where the tax-payer saw fit to resist it on the ground that where no benefits have been conferred it was inequitable and unjust to enforce the tax?

A. I do not think any *fi. fa.* has been issued since that decision, but whether because of that decision or not I cannot say.

Q. Well, the question is, Is it not true that since the Davison case, which is the settled jurisprudence of Louisiana, a drainage judgment cannot be enforced by execution?

Mr. Hall objects to the question as an attempt to elicit from the witness an expression of his opinion as to the law of the State, and it is not competent for him to do so.

A. I would not undertake to say what was the settled jurisprudence of Louisiana.

Q. Now, I ask you, as you have been charged exclusivey with the collection of the drainage tax since 1876, whether or not it is a fact that in very, very numerous cases the tax has been erased from the rolls or the judgments have been declared null on the grounds laid down in the Davison case.

A. Yes, sir; there were a great many erasures on the ground of the Davison decision.

Q. Is it not true, no matter where the property is situated?

A. Well, I believe the plaintiff in the rule is obliged to show that there was no benefit, and that is easily done by the parties out beyond the ridge or between the ridge and Claiborne street.

Q. Is it not true that no benefits have been conferred because the drainage system was not complete?

A. I believe so.

Q. You are familiar with the system of drainage as an entirety?

A. Yes, sir.

1150 Q. Under that system was it not the duty of the city of New Orleans to protect the city by a protection levee along the entire lake front and joining the return and lower protection levee?

Mr. Hall objects on the ground that it elicits from this witness

an opinion as an engineer, and it is not shown by the testimony or otherwise that he is an expert, and that he is asked, further, to express an opinion as to what the duty of the city of New Orleans was when it was only competent for him to state facts and not give opinions.

A. I believe the drainage work as laid down contemplated a protection levee on the lake of what you speak of, joining that protection levee above and below the city. The drainage plan, as I understood it, comprehended the building of these protection levees and the building of these various canals running between them, and if this work was well done and the proper drainage machines built at the mouths of the various canals my impression is and always has been that the drainage would have been a success instead of a failure.

Q. Do you mean that is your impression or your judgment?

A. I mean that is my judgment; of course, I am not an engineer.

Q. Mr. Van Norden in doing this work extended the Orleans canal into the lake?

A. Yes, sir.

Q. Was there or not any lock contemplated—that there should be a system of locks in the canals entering into the lake?

Mr. Hall objects on the ground that the evidence elicited is hearsay evidence; the best evidence of that is the plan and scheme and the act of the Legislature.

Q. Were there not to be locks in each one of the canals?

A. I understood so, that that was in contemplation in the
1151 original plan.

Q. You were asked by Mr. Hunt during this examination if it was not a fact that during high winds the water overflowed some of the lands embraced in the drainage district. Is it not true that by reason of there being no locks in this drainage district that the digging of them canals and not supplying them with locks has been the means of covering them with water, by reason of the winds blowing the waters over the lands?

Mr. Hall objects on the ground that the witness is not capable of giving such testimony; that he is not an engineer and knows nothing about it.

A. To my personal knowledge, I do not know that the water has been blown in, but I believe that it has.

Q. Are you the collector still?

A. Yes, sir; I am.

Q. Have you issued an execution since the Davison case?

A. No, sir; it is not my duty to issue executions; but I will say that I do not know that any execution was issued.

Q. Yes; but you being the collector and furnishing the names to the city attorneys, as you have said, for the purpose of having executions issued and assisting him in that business, you would be very likely to know and ought to know when they were issued?

A. Yes, sir; of course.

Q. Have you issued any since 1880?

A. No, sir.

Q. Then all attempts made since 1880 for the collection of this tax have been purely persuasive?

A. Yes, sir.

Q. Then nothing has been done by the city of New Orleans looking to a vigorous prosecution of this work beyond what you have stated?

1152 A. No, sir; nothing except in the cases of succession or insolvencies.

Q. When did the city desist from issuing executions?

A. I do not remember the exact date, but after issuing a large number of them and finding the results to be, as I have stated, the running up of bills of costs and not producing any substantial help to the warrant-holders, in discussing the matter with the various city attorneys it did not seem to be wise or worth while to assume the certainty of costs with so little prospect of collecting it. I will explain that; that any *fi. fa.* issuing upon a tax——

Mr. De Gray objects on the ground that it is not responsive to any question asked.

Q. I ask you again when you arrived at the conclusion, in consultation with the city attorneys, not to issue any more executions?

A. The matter was talked over between myself and Mr. Blanc very seriously.

Q. When? That is the question.

A. I cannot remember the date; when Mr. Blanc was assistant city attorney. When he was there these matters were discussed, and subsequently I had interviews with Mr. Gurley about them, as he was assistant city attorney.

Q. You have spoke of Mr. Van Norden having held all the warrants. Is it not true, and did you not know it was true, that all the warrants which Mr. Van Norden got, as fast as he got them he was obliged to pledge them, to borrow money on them, and they were passed out of his control?

A. I know he made pledges of his warrants as rapidly as he got them, and they passed out of his immediate control, but not the ownership of them. He owned the warrants, but they were under pledge, a great majority of them, and the source of redeem-

1153 ing these warrants was the collection of the taxes.

Q. Is it not true that payments have been so limited after January, 1875, between January, 1875, and June, 1876, the date of the transfer to the city of New Orleans, that Van Norden was so pressed that he disposed of all the warrants?

Mr. Hall objects as being irrelevant.

A. I cannot say absolutely.

Q. Is it not true that it ran along from the time his management went into effect until he concluded the arrangement of 1884 with

the city of New Orleans; that he was obliged to pledge his warrants as fast as he got them?

A. Yes, sir; I believe that the great majority of his warrants—he used them for the purpose of raising money on them by hypothecation.

Q. That was the condition of things at the time the business was sold to the city of New Orleans?

A. Yes, sir.

By Mr. HALL:

Q. Do you know anything about the effect of locks in drainage or the digging of canals, from your actual observation and actual personal knowledge, in preventing overflow in the back swamps of the city of New Orleans?

A. No, sir; not from my personal knowledge.

Q. This testimony which is offered here and filed in this matter the 12th April, 1888, is very brief. Do I understand you to say that after reading it again—do you desire to modify the testimony you gave in any way, or does the testimony that you have given here to-day represent the true facts as they existed?

A. Yes, sir; I say that the testimony referred to is given very brief. There were a great many things that I was not examined on.

1154 Q. And, as your testimony stands to-day, that is the way you desire to have it stand?

A. Yes, sir; that is the way I desire it.

1155 J. W. GURLEY, sworn for the defendant, says:

By Mr. HALL:

Q. State substantially the facts as you know them.

A. I was assistant city attorney from November, 1880, to January, 1883, I think—that is, during Mr. Shakespeare's first administration, and by a resolution of the council my term was extended for a few months into Gen. Behan's administration, up to January, 1883. During that time the office of assistant city attorney was a separate office from that of city attorney, and the collection of all the revenue of the city of New Orleans was in charge of the assistant city attorney—that is, the taxes and licenses of every nature.

Q. Were you charged also with the collection of the drainage tax?

A. Yes, sir; including the drainage tax. During the administration of Mayor Shakespeare, after the decision of the Davison case by the supreme court, he issued a proclamation relieving persons from the payment of the drainage tax; but I continued even after that proclamation and used the same efforts to collect the drainage tax that I had before. At that time in all successions, insolvencies, and suits where property was being sold by the sheriff and an intervention was necessary for the city tax I would send down a description of the property to the comptroller's office, with a request that he furnish a statement of all the taxes of every nature due against that property or the owners, whose names I would furnish him. In all such instances the comptroller would include the

drainage tax, if any there was due on that property, and I would intervene or oppose for it, as well as for the other taxes. This action by the comptroller was continued up to the date of the mayor's proclamation, after which he would send the certificates without the drainage tax, but I do not think I ever failed to send down and ask him if there was any drainage tax on that property, and in all
1156 cases where there was he would send me a statement of it, stating that he had not furnished it at first because he did not suppose it was necessary in consequence of the mayor's proclamation, and in all cases where there was a drainage tax it was prosecuted in like manner with all the other taxes, even after the date of the mayor's proclamation.

Q. Looking back upon that time, are you aware of any judicious effort which could have been made by you to collect the drainage tax which was not made?

Mr. De Gray objects on the ground that the witness should not be the judge of his own conduct in this case, because that is one of the issues to be determined by the court. The witness may state all he did do and the court say whether it was sufficient or not.

A. Upon several occasions I made extensive examinations into all of the old records and papers of the office relative to taxes, including drainage and everything. I was interested because I was paid in commissions, and I was desirous and made several renewed efforts during the term to rush in everything. I thought I was entitled to them. In addition to this examination of the records, I had conversations and conferences with Mr. Blanc, the previous city attorney, as to what efforts could be made to get in all the back taxes, including the drainage tax, outstanding. There is a very large mass of swamp property back of town that had been sold to the city of New Orleans, and a great deal of it had been sold to other persons. It had been advertised at great expense, for the city tax and for the drainage taxes, and there were an immense amount of adjudications to the city of New Orleans, with tremendous bills for advertising and costs. Mr. Blanc's efforts had proven not sufficiently remunerative to encourage a continuance of this kind of efforts, and from
1157 an examination he thought it would be a most useless expense to the city, and I concluded that practically there was nothing that could be done to enforce the drainage tax or the city tax against most of the property upon which there were any delinquents of back years.

Cross-examination by Mr. De Gray:

Q. Is it not true, as a matter of fact, that the active effort that you made in collecting the drainage tax consisted in filing an opposition in insolvency cases or oppositions in succession cases to either the accounts of the syndic in insolvency or executors or administrators in succession cases?

A. I brought no direct action on the drainage tax, but I took, in addition to the steps that you have enumerated, the steps which I previously stated.

Q. What were the steps?

A. Filing oppositions where sales were about to be made by the sheriff and debtor and sales between private parties, if the property owed any taxes.

Q. Were there any cases where the drainage tax was due on property to be sold by the sheriff? Were there not very few instances?

A. They were not very numerous; I cannot say how many.

Q. But the bulk of what you did was in insolvencies and successions?

A. Yes, sir—that is, all of the active measures.

Q. Then, in other words, you waited until a man either died naturally or civilly, and then you asked what was left behind to pay the taxes. Is not that the fact?

A. Well, it is a fact that I filed oppositions in this class of cases, and it may be a fact that the city waited or I waited until something was about to be done as to the title of the property be-
1158 fore I took any measures.

Q. The three instances where you acted were where there was a sheriff's sale or where a man had died or where he had gone into insolvency. Were not these the three instances in which you undertook to try to collect the drainage tax?

A. In which I took any active measures to collect it.

Q. In other words, you waited until a man was used up and was about to be sold by the sheriff or had died or gone into insolvency, and then you undertook to see what you could get out of it. Is not that the sum and substance of your active efforts as assistant city attorney?

A. Not so bad as that. I acted in the matter as any prudent man would. I made an examination of the records and saw how the land lay, I may say, in the matter in order to ascertain what active steps could be taken, and after several investigations and examinations of that nature I concluded that, inasmuch as the tax was upon the property itself and was not going to prescription, there seemed to be no active measure which could be enforced without the expenditure of a larger sum of money than was warranted by the previous results in efforts to collect this tax, and that it was best to do nothing active in them until the title of the property was being passed judicially or until the proceeds of it were about to be divided.

Q. Then the result of your examination was, as I understand you, that the sheriff should seize or that the man should die, either naturally or civilly. Is not — the fact?

A. No, sir. The result of my examination was, as I have above stated, that there was no active measure which I could take without the expenditure of too large a sum of money to warrant these steps or to justify the belief that it was a profit to the city, but
1159 where the sheriff had that piece of property which he was about to sell, and the legal effect of the drainage tax was about to be removed from the property, then I took the only active steps known to the law to save it. Wherever it was necessary, in my opinion, to save the tax, where active steps was necessary, I took

them, regardless of what costs might be incurred. Wherever it was not necessary I did not take any steps, because I did not think the tax would warrant the costs.

Q. I understand you to say that you waited until you thought the tax was in danger of being lost before you done anything?

A. You understand me to say that I took no active steps towards the enforcement of the tax, except in these cases where I thought active steps were necessary to save it.

Q. Did you ever collect anything in successions or insolvency cases or from sheriff's sales?

A. Yes, sir; I collected.

Q. Much or little?

A. No, sir; not a great deal, but a great deal of the claims were defeated by the decision in the Davison case. Before that decision I collected all these taxes very frequently.

Q. Then, in all these cases where you collected them very frequently, the fact that you collected them very frequently did not justify your judgment that the property would not sell for enough to pay them?

A. I distinctly stated that most of the property—when I state most of the property I mean the swamp property in the rear of the city.

Q. Well, a man went into bankruptcy, some men died, and there was property of persons in the rear of the city sold at sheriff's sale all the time you were there?

1160 A. Yes, sir; and a great many of them I had to take a scaling on; there were a great many cases where it was paid *pro rata.*

Q. Where did you get the authority to take a *pro rata* when the act of 1858 says that the tax should be a lien above all the other claims?

A. I do not remember now distinctly about that fact, as to details. I was familiar with it at the time, because I remember distinctly going over all the law with regard to it, but I do remember that there were a great many successions absolutely insolvent, and there were grave doubts as to whether the expenses of the last illness and the widow's $1,000 would come in prior to it, and so we had to use our best judgment and efforts in getting at what we could in that way. There were some cases where there was a *pro rata* of the city tax and a *pro rata* of the drainage tax, and they were all homologated by the judgment of the court.

Q. Where there was a *pro rata* judgment and you were not given the drainage tax in full did you appeal?

A. No, sir.

Q. Did you, as city attorney, ever prepare a case with the view of having the question at issue finally determined by the judgment of the Supreme Court of the United States?

A. No, sir; I did not, for a good many reasons. The reasons were that I did not remember of any particular case before the Davison case in which I lost the drainage tax where I thought I ought not to have lost it; therefore I would not appeal a case of that

kind. The Davison case, I thought, was a pretty full and well-argued case before the supreme court, and with the amount involved in each particular case that I would have I did not feel justified in going to the Supreme Court on that question.

Q. Then you were controlled with reference to your action in preparing a case for the Supreme Court of the United States
1161 by the amount at issue in a single case, and not by the great balance of the taxes uncollected?

A. No, sir; I was controlled by my judgment.

Q. Did you not say you were controlled by the amount?

A. That was one of the elements in the case.

Q. You have been lately connected with the collection of taxes at the city hall?

A. Yes, sir.

Q. Have you collected any drainage taxes lately?

A. No, sir.

Q. You were assistant city attorney?

A. I was not charged with the collection of the drainage tax; that is why. I had a special contract for the collection of certain taxes for certain years.

Q. When did your work commence this last time?

A. I think it began on the first day of July, 1887.

Q. There were a great many cases of taxes that passed through your office during that time?

A. Yes, sir.

Q. The taxes for a great many years?

A. Yes, sir; the taxes from 1880 to 1885, inclusive.

Q. The taxes being against a great many individuals?

A. Yes, sir.

Q. Have you any idea of how many?

A. I cannot say from memory.

Q. Well, approximate; did it go into the thousands?

A. It went into the thousands, but I cannot say how many.

Q. What method of proceedings was it in court?

A. No great method of proceedings. The method was similar to what I have described before.

1162 Q. Going in and filing the tax bills?

A. Yes, sir.

Q. You are, then, familiar with the tax bills filed in the various cases?

A. Yes, sir.

Q. Were any claims made by the city of New Orleans for the drainage tax, or was that left out?

A. There was no claim made for the drainage tax. I had nothing to do with the draining tax. I had a special contract for the collection of the taxes for specified years.

Q. Do you not know it for a fact that in all the tax bills presented to the courts for collection there is no mention made of the drainage tax in any of them?

A. No, sir; I do not know that.

Q. Then state what you do know.

A. The drainage tax is not put upon the ordinary bill for the city tax, but the certificates, which the comptroller's office had at the time I was in office and has now, so far as I know anything to the contrary, is upon it. In addition to the city tax there is a column or line for the drainage tax. I have seen a great many of these certificates filed in oppositions and filed in suits in court with the drainage tax carried out on them.

Q. Have you not also seen a great many where the drainage tax does not appear at all?

A. Yes, sir; I have seen a great many oppositions by the city where there was no such certificate, and nothing but the tax bill attached or nothing but the statement of the tax.

Q. Is it not a fact that the city of New Orleans has ceased to make any efforts through the courts to collect any drainage tax?

A. Yes, sir; so far as I know she has.

1163 Q. You have been a lawyer how long?

A. Since 1873.

Q. Practicing continually in the courts of Louisiana?

A. Yes, sir.

Q. Is it not the settled jurisprudence of the State of Louisiana that the drainage tax could not any longer be collected?

Mr. Hall objects on the ground that it is an attempt to elicit from the witness an opinion of the law of the State and is improper.

A. That is rather the accepted view.

Q. Is it not true that so far as your observation has gone that in every case where the collection of the drainage tax has come before the courts since the Davison case the city has failed to collect because of the doctrine there announced?

A. Under the facts embraced in the case, yes, sir. I think there were suits for the drainage tax in other districts recovered.

Q. Yes; in the 4th, and they declared the judgments unconstitutional?

A. Yes, sir.

By Mr. HALL:

Q. Did you have anything to do with resisting the demands by the tax-payers?

A. No, sir; nothing.

By Mr. DE GRAY:

Q. Is it not the settled jurisprudence of this State with regard to the collection of the drainage tax and every tax with which you are familiar that where there is no benefit conferred the court will relieve the tax-payer from paying it?

Mr. Hall objects on the ground that no lawyer, however good, is competent to state what the jurisprudence of the State is; that that must be settled by the court itself.

1164 A. I think that some of the courts leaned in that way—at least for some years since the Davison case.

Q. Do you know any case where the defense was made that the city had abandoned the work, sold the boats, and given up the completion of the drainage system? Do you know of any case where that defense was made that the judgment was given for the drainage tax?

A. No, sir.

Q. Is it not true that where that defense was made the court always relieved the tax-payer from paying the tax, so far as you know?

A. Yes, sir; so far as I know.

By Mr. HUNT:

Q. You spoke of Mr. Blanc?

A. Yes, sir.

Q. What kind of an officer was Mr. Blanc in the matter of the collection of taxes?

A. He was the best officer that it has ever been my good fortune to know anything about. He was the most thorough, industrious, painstaking, far-seeing, and indefatigable man that I know anything about in that line.

Q. What do you mean by that line?

A. The line of taxation or anything he undertook in the line of his profession, because he gave his whole time and attention, but he was most prominent in tax matters.

Q. I understood you to say that you and Mr. Blanc agreed on one question; you agreed on the commissions for the drainage taxes?

A. We were both of the opinion that the assistant city attorney who collected the tax was entitled to the commission on it.

Q. Did you and Mr. Blanc have every motive and interest that two gentlemen could have to prosecute these suits?

A. Yes, sir.

1165 By Mr. DE GRAY:

Q. Did you — Mr. Blanc ever get any commissions for the collection of the drainage tax?

A. Mr. Blanc got some; I do not remember whether I got some or not; I think I got some, but only a small amount; I know there was difficulty about getting it, because it was claimed by the Van Norden people or by the persons holding the warrants; there was some difficulty about it but Mr. Blanc had gotten quite a large amount.

Q. Did you not know of a suit that was decided—the case of Rufus Waples against George S. Lacey—touching the right of the city attorney or the assistant city attorney to take any fees for the collection of the drainage tax? Do you not know that the court decided against both Lacey & Waples?

A. I know of that decision, but I also know that both Mr. Blanc and myself did not consider that decision as prohibiting our recovering the commissions on the taxes that were collected through our efforts or where an intervention was necessary.

Q. Notwithstanding the decision of the supreme court?

A. We did not understand the decision to be against us on that point?

Q. Notwithstanding the decision of the supreme court on that point?

A. Yes, sir.

By Mr. HUNT:

Q. In the cases of administrators or executors in your oppositions were you not exceedingly successful outside of drainage matters?

Mr. De Gray objects on the ground that it has nothing to do with this case.

A. It is a question a man does not like to answer about himself, but I think I was.

1166 After which the case was adjourned by the examiner to Monday, December 3rd, 1888, at 3 o'clock p. m.

NEW ORLEANS, *December 4th*, 1888.

JAMES W. PEAKE
vs.
THE CITY OF NEW ORLEANS. } No. —.

Testimony resumed on behalf of the defendant this day at 3 o'clock p. m., all of counsel being present.

W. B. WILLETT, being sworn for the defendant, says:

By Mr. HALL:

Q. In 1872 or 1873 what was your business or occupation?

A. I was working on the dredges.

Q. Whose dredges?

A. Mr. Van Norden seemed to be the one I looked to.

Q. There appear to be on this statement from the city hall, marked "amount of drainage warrants exchanged into gold bonds," a large number of gold bonds that were issued to you. Were these bonds which appear there, as a matter of fact, ever issued by you?

A. No, sir; I remember once being sent for, and I went down to the city hall and signed papers, but I do not know what they were; I did not ask.

Q. You did not own the bonds?

A. No, sir.

Q. You had no monied interest in the bonds?

A. No, sir.

Q. But you were engineer on Van Norden's boats at the time?

A. Yes, sir.

Q. Had you any interest in these bonds?

1167 A. No, sir.

Q. For whose account were these bonds issued as a matter of fact?

A. I do not know.

Q. Do you know a Mr. J. W. Pearce or did you know Mr. J. W. Pearce at that time?

A. Well, the name is familiar, but I do not know that I was acquainted with him personally.

Q. Did you know Mr. Shortridge?

A. Yes, sir.

Q. Do you know him intimately?

A. We are half brothers.

Q. What was his occupation at that time?

A. I think he was a clerk of Van Norden.

Q. Was he a man of means?

A. Well, I do not know that; he might have had a little something more than I had.

Q. But he was working as a clerk?

A. Yes, sir.

Q. Do you know whether his name was used by Van Norden in the issue of these bonds?

A. No, sir.

Q. But you state with regard to these bonds issued in your name that they were not for you or for your account?

A. No, sir.

Q. Were the bonds issued in exchange for the warrants?

A. I do not know anything about them.

Cross-examination by Mr. DE GRAY:

Q. You say you were engineer on the boats?

A. Yes, sir.

1168 Q. How long were you engineer on the boats?

A. Well, I first worked as fireman; I do not know for how long I worked; I expect two or three years—about 3 years.

Q. Were you engineer up to the time of the transfer to the city of New Orleans—were you there in 1876?

A. Yes, sir; I was working around the job.

Q. What boat were you on?

A. I was on several of them. I was on what they call the Noyes, and I was running what they call the derrick.

Q. The apparatus that built the protection levee?

A. Yes, sir; that is, the one that took the dirt from the dredge and put it over from the canal.

Q. Do I understand you to say that you were taken up to the city hall to sign papers?

A. No, sir. I remember going up there one day, and I think it was in the comptroller's office, where Hardy is now, and I believe I signed papers in there that day.

By Mr. HALL:

Q. At whose instance did you go up there?

A. I do not know whether at Van Norden's or whose.

Q. If not Mr. Van Norden, was it or not any of his people?

A. Yes, sir; it was somebody connected with the work; it is a

long time ago, and I do not recollect anything about it, only that I worked for him.

Q. You say connected—it was either somebody connected with Van Norden or connected with the business. What do you think?

Mr. De Gray objects.

A. I do not remember who I went with.

Q. Did you ever go up there with anybody unconnected with the business or with Van Norden?

1169 A. I do not think I did.

Q. What business is it that you refer to?

A. Going up there and signing some papers. I am speaking of this drainage concern, when they were dredging these canals out.

Q. You mean the drainage business?

A. Yes, sir.

Q. You did not have any interest in these bonds one way or the other?

A. No, sir.

1170 ROBERT C. SHORTRIDGE, sworn for defendant, says:

By Mr. HALL:

Q. In 1872 or 1873 what was your occupation or employment?

A. I was a clerk under Mr. Van Norden—that is, I was not only a clerk, but I paid off everything—all the dredge-boat hands—and I kept the accounts.

Q. Working for a salary?

A. Yes, sir.

Q. Were you a man of means at that time?

A. Yes, sir; I had more means than I have now.

Q. Were you a man of fortune?

A. No, sir.

Q. It appears on a statement from the city hall marked amount of gold bonds issued in exchange for drainage warrants for work done by the Mississippi & Mexican Gulf Ship Canal Co. a large number of bonds purporting to be issued to you, amounting to a large number of thousands of dollars. Were they issued to you or not?

A. Issued to me as clerk.

Q. For whom?

A. For Mr. Van Norden.

Q. For whose account?

A. For account of the Mississippi & Mexican Gulf Ship Canal Co.

Q. You had no interest in them at all?

A. No, sir.

Q. Do you know Mr. J. W. Pearce?

A. I do.

Q. Is he living?

A. He is dead.

Q. What was his business in 1872 & 1873?

1171 A. He was a broker, of the firm of Matthews & Pearce.

Q. Do you know whether he has done any business for Van Norden and the Mississippi & Mexican Gulf Ship Canal Co.?

A. Yes, sir.

Q. There appears to be likewise issued to him a large number of gold bonds. Do you know for whose account they were issued to him?

A. I do not.

Q. Do you know anything about the bonds issued to W. E. Willett?

A. No, sir.

Cross-examination by Mr. DE GRAY:

Q. What is your business now?

A. I am with the Mechanics' & Traders' Insurance Co.

Q. Do you know the market value of these gold bonds?

A. Yes, sir.

Q. What was the market value of these gold bonds—7 per cent. gold bonds, drainage series—in the year 1876?

Mr. Hall objects to the testimony as irrelevant.

A. I do not know. I can tell you about the highest they were sold for and about the lowest.

Q. Tell us about the highest.

A. I think the highest that they were ever sold was 90 and the lowest was about 26¾.

Q. Did they go up and down or did they come down gradually from the time they — first issued to the time the last were issued?

A. It depended altogether how many they put upon the market. The company had a pretty good pay-roll, and sometimes they would have to get the money and they would have to sell some of the bonds—more of them than they could carry—and that would throw the price down.

1172 Q. Who had charge of the sale of these bonds; had you?

A. No, sir. I would take them and go to the city hall, and I think at that time—I am not positive, but I think Mr. Schneider was the person there.

Q. That was the place for the issuance of the bonds?

A. Yes, sir.

Q. But after they were issued to your company where were they sold—on the streets?

A. Moore, Janny & Hyams at that time, and Mr. Pearce would sell some; the different brokers would sell them.

Q. Were they ever sold at par?

A. Not to my knowledge. I would not state it positively, but not to my knowledge.

Q. But you know of their being sold at as low as 26¾ cents on the dollar?

A. Yes, sir.

Q. Was that early in the work or late in the work?

A. That was after I quit them.

Q. When was that; in what year?

A. Well, I think it was in 1879 or 1880.

Q. As a matter of fact, I will call your attention to the fact that the records disclose that Van Norden and his company transferred all their property to the city of New Orleans in June, 1876. Now, did you quit your connection with this company or Van Norden before or after the transfer?

A. Before.

Q. How long before?

A. The first of January preceding. I was not in the city when the transfer was made. I was in Philadelphia, at the Centennial.

Q. You were out upon this work a great deal, were you not?

1173 A. Yes, sir. I stayed out there from daylight Monday morning until Saturday night.

Q. Were your duties entirely out on the work?

A. Well, I would have to come in and get the money to pay the men. I would come in, and the bonds were sold, or I would come in to go to the city hall, or something.

Q. You are familiar with the plan and design of this work?

A. Yes, sir.

Q. I will ask you whether or not there were not pumping stations——

Mr. Hall objects as leading and on the ground that the witness has not been examined on this branch of the case, and that the counsel for the complainant makes the witness his own; therefore he must not ask leading questions.

Q. I will ask you whether or not there were pumping stations, according to the plan, to be located at various points along the protection levee on the lake front.

A. Well, there is one at the protection levee and there was another at the London avenue and another one at the People's avenue.

Q. Now, I do not refer to these, but I refer to the pumps that were to be put upon the lake front.

A. Yes, sir. What I — talking about, but over here the protection levee is only some 2,100 feet, and that was to run down to the People's canal.

Q. Have you ever seen this map?

A. I saw a map like that made by the city surveyor, Bell, at the time.

Q. Look at the map marked "Lake Pontchartrain," dated April, 1873, of the lake-shore front, and state whether or not, according to that map, there were to be various pumps stationed between the lake-shore front to throw the water out of the canals into the lake.

A. Yes, sir; there were.

1174 Q. Now, I ask you whether any of these pumps were ever put up there or not. Were they ever put up?

A. No, sir.

Q. No machinery of that kind was ever put up or located there at all?

A. No, sir.

Q. Did the work ever progress far enough upon the lake-shore front to call for the placing of these pumps into position?

A. I am not engineer enough to answer, but I would say "yes," at one end of the protection levee.

Q. As a matter of fact, were they ever placed there?

A. They were not.

Q. At no place?

A. No, sir.

Mr. Hall objects on the ground that the witness is not an expert and not qualified to answer the questions put to him; that the evidence is irrelevant under the bill.

JAMES B. GUTHRIE recalled for further cross-examination.

By Mr. DE GRAY:

Q. Have you got the letter?

A. I have not.

Q. Have you looked for it?

A. No, sir; I have not had time. I was very busy getting up an injunction case, and it occupied every moment of my time to-day. I came from Judge Monroe's court and was too late, so it goes over until to-morrow.

Q. When can you let us know?

A. I can look for it this afternoon; it is over 5 years since I saw it.

1175 Q. You see if the letter is lost; I want to go into the purport of it.

A. Well, you may.

Q. You spoke of executions; what kind of executions were these that you issued; were they against the person or solely against the property assessed? Or, in other words, did you issue any execution against individuals, seeking to sell any other property or assets of theirs than the property upon which the tax was levied?

A. No, sir; the execution related solely to the property upon which the tax was levied.

Q. Where is this land of which you have spoken and of which you declared that the value of the property was not equal to the assessment—were was it? I find in this evidence of yours that you located it beyond Claiborne street out; is that the location you want to make of it?

A. I had probably in view the land in the first drainage district, beyond Claiborne street and beyond the ridge.

Q. Locate that between the streets.

A. I could not do that without an examination; but between the ridge and the lake there was a large quantity of land that appeared to be mostly under water, or was always so when there was rain; they were not regarded as absolutely valueless.

Q. Now, the land between the ridge and Claiborne street.

A. Well, between the ridge and Claiborne street was the location of most, I think, of the properties upon which an effort was made

to collect the assessment by execution; and so far as I know there was not any one of them where there was any bid, excepting that of Mr. Van Norden's agent or himself, who bid the amount of the drainage tax.

1176 Q. I find by an examination of the sheriff's office 240 odd pieces of property advertised for sale, and I find vastly more than the majority of the property was sold and the tax realized and returned into the city hall. I call your attention to the fact. What do you mean by that proposition—the property was either sold or the execution paid?

A. In every instance, so far as I remember, that payment was made in drainage warrants, coming either directly or indirectly from Mr. Van Norden. There may have been a few—I cannot say—of these sales that were made to other parties, because I remember now in one or two instances where the parties conceived that they could better their title by having it sold for the drainage assessment, and in these instances I think there was a payment of the price in cash, which cash went into the city treasury.

Q. Did Van Norden have anybody to buy but Delana?

A. I do not remember all of those that bought.

Q. Did he have anybody there but Delano?

A. I cannot say. Delano bid for a great deal of it, but whether he was the only one or not I cannot positively say.

Q. When Delano bought did not Delano pay the amount of his bid in the sheriff's office, and was not the execution returned satisfied?

A. Yes, sir; the execution should be returned satisfied, but Delano was simply the representative of Van Norden, received the warrants from Van Norden, and made the settlement. The exact minutæ I do not know, but the money came through me afterwards. In the way of money received through the sheriff my impression is that I receipted to the sheriff for the warrants, taking them as cash. I cannot remember the details of these transactions, if these sales were made. All the sales that I refer to as being made were

1177 made subsequent to my being collector. After that, when I was acting as a broker for Mr. Van Norden, these settlements would have been made through the sheriff directly, and I would have very little to do with it, excepting, possibly, the examination of the accounts to ascertain exactly how much in the lump in the way of warrants would be needed?

Q. When the property was sold and bought in by Delano, whether for himself or Van Norden or anybody else, was not the tax in that instance paid, and would it not be so marked and returned to the city hall and the judgment erased from the tax-rolls?

A. Yes, sir; it would be returned as having been paid, and it would, so far as the drainage tax was concerned; we would enter it as paid; but, you see, these sales were made to the extent they were for the benefit of Van Norden, and when he found that nobody else would buy and pay cash, why he did not feel like buying all the property up and paying drainage warrants for it.

Q. Then he had to stop buying to get out of the dilemma?

A. Yes, sir; that is what he did.

Q. Have you any idea how many executions were issued?

A. No, sir; I cannot tell how many, but a great many.

Q. Will you state how many executions were paid either individually or by the sale of the property?

A. No, sir; I could not.

Q. Have you any idea how many pieces of property were advertised under execution?

A. No, sir; I cannot remember these details at this time.

Q. Now, I will ask you, as a matter of fact—you were talking of the land beyond the ridge, etc.—is it not true that a tax was put upon every foot and has been put upon every foot of swamp land in the second drainage district?

1178 A. No, sir; it is not by any means true.

Q. It is not?

A. No, sir; there is a large amount of that swamp land out there upon which the drainage assessment still exists.

Q. In the second drainage district?

A. No, sir.

Q. I will call your attention to the fact, from the statements furnished from the city hall, Mayor Leeds, which states that all the tax on the swamp land in the second drainage district has been paid.

A. Well, Mayor Leeds is mistaken; that is all.

Mr. Hall objects to Mr. De Gray going into this new matter.

Q. I want you to locate the land beyond Clairborne street and between the two canals. State whether or not you meant in your examination that the land in that locality was generally assessed for more than it would sell for.

A. Well, on most of that property from Clairborne street out to Broad my recollection is that the drainage was collected from Broad street out to a square or two beyond Hagan avenue. There was comparatively a small amount of the drainage assessment collected, as I remember. Probably the second or third square beyond Hagan avenue would strike the beginning of the Metarie Ridge, and in that district a great deal of the tax was collected, but that district lying in the basin of which Hagan avenue was the centre, I remember I was there, and I think there is a great deal of the land that could not be sold in a forced sale for cash for an amount equal to the drainage assessment upon it.

Q. Now, you have spoken of $\frac{7}{10}$ or $\frac{8}{10}$ of all the drainage tax upon improved property being collected at the time that you became the collector for the city of New Orleans.

1179 A. I believe that was about the year 1880 that that was the case.

Q. You refer, then, to the time of the mayor's proclamation?

A. I think it was in connection with that. I want to say right here there is a district entitled the fourth drainage district; that was the last district to be formed for draining purposes. I would not say that that $\frac{8}{10}$ referred to in that portion of the city denominated the fourth draining district, but in that district we were very

much hampered in the collections by the decisions of the supreme court in the succession of Irwin, for the court there declared that the judgment had not been obtained according to law, and there was no means of enforcing the collection of the tax by a writ of *fi. fa.*

Q. There was in the fourth district, then, more than $\frac{7}{10}$ of the tax due which could have been collected but for that decision?

A. Well, there is such a variety of territory in that fourth drainage district that I could not say. There is a strip of improved land; then there is a back-lying land or quite low, and I could not pretend to state the fractional portion of that with any degree of accuracy, the amount of improved property that the tax was not collected upon for no reasons.

By the MASTER:

Q. Do I understand you to say that the supreme court of this State have said that the judgments were illegal upon the face of them, and that they could not be enforced?

A. I say that in the succession of Irwin the supreme court held that the judgments in the fourth drainage district, which lies below Lafayette avenue, and from there down to the barracks—that in that district the judgments which had been obtained by citation, made by publication as pursuing the plan of citation that had been adopted with reference to the judgments obtained in the other districts—that the judgments in that district, to wit, the fourth, were not valid because the law under which that drainage district
1180 was established did not give in its title the right to obtain a judgment by citation made by publication in the newspaper, as had been provided in the other acts establishing the other drainage districts.

Q. Then I understand your answer correctly that the supreme court briefly decided that these judgments obtained in that district by citation were illegal upon their face?

A. Yes, sir; that there was no judgment. That left the assessments without being in shape for judgments.

By Mr. DE GRAY:

Q. What proportion of the taxes upon improved property was collected in the fourth drainage district? What proportion is uncollected and is uncollected now?

A. That I could not state with any degree of certainty in that district.

Q. You have spoken of the $\frac{7}{10}$ or $\frac{8}{10}$ on the improved property in the other districts having been collected about the year 1880, at the time of the issuance of the mayor's proclamation.

A. Yes, sir.

Q. What portion of the property in these three districts was improved and what proportion was unimproved?

A. Well, taking it up by districts and calling the first drainage district as extending from Julia street to the lower side of Toulouse street and from the river to the lake, that that portion of that district lying between Julia and Toulouse and the river and a square

or two beyond Claiborne street would be what I would classify the improved portion of that district.

Q. Now, from your information and your knowledge of this business, what would be the tax on that portion or section that you have described? What proportion of it is it of the first drainage district?

1181 A. In superficial area?

Q. Yes.

A. Well, it may be $\frac{1}{3}$; possibly not over $\frac{1}{4}$. I could not state absolutely.

Q. Well, then, to carry the thing out further, you would say that about $\frac{7}{10}$ or $\frac{8}{10}$ of the $\frac{1}{3}$ or $\frac{1}{4}$ of the taxes of the first drainage district had been paid?

A. $\frac{8}{10}$ of the taxes due upon the improved property was paid.

Q. Then is not that equal to saying that $\frac{3}{10}$ or $\frac{2}{10}$ of the taxes on the improved portion of that district that you have described remained unpaid in 1880?

A. Yes, sir; if my percentage is accurate. Of course, it is all given from my best judgment and recalling the tableaus as I look at them through my mind's eye. If that is true it is tantamount to saying it was not paid. Now, in certain portions of that district there were where in recalling the tableaus I do not recall anything in a square unpaid, and if this is a matter of importance to you I can give you the exact ratio if you are willing to pay for the work of going over it and making it. It is all a matter of record, and it can all be reduced to an absolute fraction.

Q. Have you got the record showing the amount of the tax upon the improved property remaining unpaid in 1880?

A. Well, it is a matter that could be worked out from the drainage books, because I know every district, and we know the improved property, and we know the date of the payment, and the amount of the taxes paid since 1880 has been paid voluntarily.

Q. Well, all that has been paid since 1880 has been paid voluntarily?

A. Yes, sir; excepting that which has been the result of efforts made by the city attorney in oppositions to the accounts of

1182 insolvencies and successions.

Q. Now, what portion of the second drainage district is improved and what portion would you denominate unimproved property?

A. Well, that district is very irregular in shape. The second drainage district commences at the upper line of Julia street, and it goes to the upper line of Carrollton. I would say the front portion. It is very difficult to say what is the improved portion of that large district, because it is around in spots.

Q. Well, state your best judgment.

A. I cannot do it. The district is too big and has a very peculiar shape. I would have to go into detail to give you what would cover the improved portion of that immense drainage district. I will lump it. From Julia street up to Felicity road and from the river back to about Howard street or Magnolia street I would call

the improved portion of that district. From Felicity road up to Washington avenue and from the river back to Franklin or Howard street I would call another portion of the improved property. Now, from Washington avenue up to Louisiana avenue and from the river back to Baronne street is another improved portion. From Louisiana avenue up to Peters avenue and from the river back to Carondelet street is a partially improved portion of the district. Now, from Peters avenue up to the line of the city park and from the river back two or three squares, or possibly four squares, would be partially improved. Now, from thence up to the line of Carollton I would not consider an improved portion of the city, but from Carrollton to——

Q. I want to get at a question of figures and not at a question of territory. Can you give us in a lump some of the improved property? Give us in figures the proportion, according to your best judgment, the proportion of the second drainage district that you would call improved property—that is, $\frac{1}{2}$ or $\frac{1}{3}$ or $\frac{1}{8}$, or what?

1183 A. Well, this second draining district is very much like a pan with a handle to it. I do not think there is over $\frac{1}{8}$ in superficial area in that second drainage district that in 1880 could be considered as improved. Of course, there are degrees of improvement there lying in the lower portion of the district, near Julia street, and up to the fourth district to Louisiana avenue, and from the river back to St. Charles or Carondelet St.; that is property thoroughly improved, but if you get up to Louisiana avenue you will have to go to the river to find improved property, and from there you will go to Carrollton, and there for 5 or 6 squares back is improved.

Q. In this investigation I am directing your attention to property that is worth 2 mills to the superficial foot Do you mean to say that only about $\frac{1}{6}$ of the property in the second drainage district was worth 2 mills to the superficial foot in 1880?

A. I cannot answer it in that way. I have got to give the localities — the land. Improved property with the buildings on it is always undoubtedly worth the drainage tax.

By the MASTER:

Q. Let me direct your attention to the fact or idea that is conveyed in that question. It is simply this: Whether you mean to say that all the property comprised in that second drainage district was not worth in 1880 more than 2 mills to the superficial foot? Now, that is not asking you anything about improvements.

A. Well, I do not pretend to say that only $\frac{1}{6}$ of the superficial area of the second drainage district was not worth more than 2 mills to the superficial foot.

Q. What proportion of the third drainage district would you say was improved property? State what it is—$\frac{5}{10}$, $\frac{8}{10}$, or a quarter, or what.

1184 Mr. Hall states that, in view of the term given by the counsel in his questions heretofore, he asks the counsel to state to the witness what he means by improved property.

Mr. DE GRAY: I mean by improved property what you called improved property in your direct examination, when you stated that from $\frac{7}{10}$ to $\frac{8}{10}$ of the taxes of improved property had been collected by 1880.

By the MASTER:

Q. Explain what you mean by improved property with the buildings on it or improved in any other manner. Do you mean property that would sell for the amount of the drainage tax that was due?

A. Yes, sir. I mean the amount of property, with reference—the relation between the assessment for the drainage and the value of the property would be such as to enable a man to keep the property by getting the tax without having to sell the property or absorbing the value of the property.

Q. In other words, you mean that the property would sell for the drainage tax?

A. And the other taxes; we always have to relate our drainage tax to the amount of the other taxes on the property before it. If we find a piece of property covered with city and State taxes besides, why we would to let it alone. We found a great deal of property in that way. When you come to state about the fractional interest there will be after all this is disposed of it is difficult.

Q. Now, what proportion of all the drainage districts having before you the definition that you have given of improved property—what proportion of all the drainage districts would you regard as improved property?

A. I would not pretend to state to the fraction; it is impossible. Here is a map of the city.

1185 Q. You have used in your direct examination the words $\frac{7}{10}$ or $\frac{8}{10}$ of the improved property. I want to know what you mean by improved property and how much there was of improved property, what proportion of the whole.

A. Well, stating it broadly, I should say that not over $\frac{1}{4}$ of the superficial area, the fourth drainage district combined, would fall under the denomination of improved property.

Q. Now, you have spoken of land beyond the Metarie Ridge and some on this side of the Metarie Ridge being land subject to overflow or being under water, and I ask you why it is subject to overflow, why its being under water, and having before your mind the drainage system as it was originally designed to drain the city of New Orleans?

Mr. Hall objects, as the witness is not an expert nor qualified to testify on that subject.

A. All that land beyond the ridge and between the two canals is very low, in the basin between the ridge and the lake, and the storm water from the lake is continually driven up across the land.

Q. Now, why is it that the storm water is thus driven up from the lake and in upon the land?

A. For the lack of a levee on the edge of the lake.

Q. If the levee had been built on the edge of the lake, as designed——

A. If the levee had been built on the lake and united with the levee that was there, at the Orleans Tail Race, there could have been no storm water gotten into that district, but it would have required a draining machine at the lake in order to have drained the lands.

Q. Well, was it not designed by the original plan to have a draining machine there to keep this water out?

A. Well, I do not believe that the putting up of the ma-
1186 chine was a part of the contract with the Mississippi & Mexican Gulp Ship Canal Co. I do not think that they had anything to do with that.

Q. Was it not made obligatory on the city of New Orleans by the Legislature to put in these pumps as they might be required by the city engineer?

Mr. Hall objects.

A. I do not know.

Q. Do you not know it was the design?

A. Yes, sir; in the case of overflow of the canals it was intended to have the draining machines.

Mr. Hall objects to the evidence as secondary and not the best.

Q. I call your attention to the map of 1873 and ask you whether or not it was the design to have a protection levee on the lake front and to have the pumping stations upon the lake front, several of them.

A. Well, that was the design and intention.

Q. Have they ever been put there?

A. Not that I know of. No, sir; they have not.

Q. You know that they have not?

A. Yes, sir; I know that they have not; and no revetment levee except that between the New canal and the New Basin.

Q. Now, is it not equally true that the other low lands in the other districts are subject to overflow because the protection levee has not been built or the revetment levee on the lake and the pumping stations put in?

A. Yes, sir; that is my opinion.

Q. Now, I ask you this question further: Is it not true that the land is thus of the little value you have described because the drain-
age system has not been completed and the land protected?

1187 A. Well, I think that has a very depressing effect upon the value of the lands unquestionably, considering the water, taking all that land, whether it was drained or not, whether it would be valuable; but I think the lack of drainage has a very depressing effect upon the value of the land back there.

Q. Have you dealt any in real estate?

A. Yes, sir; but not in that character of real estate.

A. Are you not familiar with the price of lands in the vicinity of the Metarie Ridge and on this side?

A. Yes, sir; I have some knowledge of its value, or had some years ago.

Q. Now, if that drainage system had been completed as it was originally designed in all of the districts, is it or is it not your judgment that the land would have been worth 2 mills per superficial foot?

A. Yes, sir; I think it would if the drainage system had been thoroughly carried out.

Q. Now, in the first district the assessment was $3\frac{3}{10}$ mills?

A. Yes, sir.

Q. In your judgment would not the value of the land if it was drained according to the design in that district be worth $3\frac{3}{10}$ mills per superficial foot?

A. All this side of the Metarie Ridge. I do not mean to state positively that all of the land would not have been worth more than that, and a great deal more, beyond the Metarie Ridge and the land between that and the lake.

Q. It would be worth $100 per acre?

A. Yes, sir; I think it ought to have been worth that clear out to the lake if it was drained; all that land is very rich, and if it was drained it would produce garden stuff.

1188 By Mr. HALL:

Q. You say that the land would have been worth how much an acre?

A. I say if the land was thoroughly drained—the land beyond the Metarie Ridge—it would be worth $3\frac{3}{10}$ mills to the foot. Mr. De Gray says that it would be at the rate of $145 an acre.

Q. Do you know anything about the value of good high land about the city? Take the Metarie Ridge; take the best of these lands; could they be sold for more than $20 an acre. Do you know anything by actual experience — the value of lands that — used for garden purposes?

A. No, sir; not by actual experience; but my opinion based upon it; I know of sales recently; but it is more from impression I speak of this matter than from experience.

Q. You say the failure to make these works and make this drainage had a depressing effect upon the soil; do you mean sinking, depressing, and driving the soil down?

A. Well, I mean that also. If the land had been drained around the Metarie Ridge it would rise; the topography would be different; it would not be depressed.

Q. Is there not confusion in your mind as to the cause? Do you understand that the failure to build the revetments caused a depression there that did not exist, or do you mean that it failed to create an appreciation of the property that had not existed before?

A. Yes, sir; it left it as nature left it.

Q. In other words, it was a tract of alluvial land?

A. Yes, sir.

Q. And you mean to say that if these works were done it would have given another value?

A. Yes, sir; the failure to build the protection levee did
1189 not depress the land in value, but it did not give any benefit to the value.

Q. If it was drained it would rise out of the water and become rich, and would have a value that it never had possessed before?

A. Yes, sir. I mean with reference to the land beyond the ridge.

Adjourned to Tuesday, December 4th, 1888, at 3 o'clock p. m.

1190 NEW ORLEANS, TUESDAY, *December 4th*, 1888.

JAMES W. PEAKE
vs.
CITY OF NEW ORLEANS.

Testimony resumed this day pursuant to adjournment, all of counsel of record present.

The defendant offers in evidence the amendment to the charter of the Mississippi & Mexican Gulf Ship Canal Co., by act before Andrew Hero, Jr., notary public, city of New Orleans, on March 27th, 1871, marked as Exhibit "O. B. S.," ex., Dec'r 4th, 1888.

Also the contract between the Mississippi & Mexican Gulf Ship Canal Co. and W. Van Norden, before the same notary, of the date of May 22nd, 1872, marked as Exhibit O. B. S., ex., Dec'r 4, 1888.

Also the sale of the dredge-boats by the Mississippi & Mexican Gulf Ship Canal Co. to W. Van Norden, by act before the same notary, of date November 22, 1872, marked as Exhibit O. B. S., ex., Dec'r 4, 1888.

Also the contract between W. Van Norden and the Mississippi & Mexican Gulf Ship Canal Co., of date November 23, 1872, marked as Exhibit O. B. S., Dec'r 4, 1888.

Also the statement of the collections made by the board of administrators of the city of New Orleans of the drainage tax in cash and drainage certificates from January, 1871, to October, 1888, together with a statement of the disbursements of the cash from the said collections and recapitulation of said collections and disbursements on the first page, this exhibit containing 36 pages, written
on only one side, being taken from the books of the city of
1191 New Orleans, marked as Exhibit O. B. S., Dec'r 4, 1888, the examiner to identify each page by his signature.

Also a statement of the amounts of the original assessment-rolls in the four drainage districts, marked as Exhibit O. B. S., ex., Dec'r 4, 1888.

Also the recapitulation of the assessments and collections in the four drainage districts, marked as Exhibit O. B. S., ex., Dec'r 4, 1888.

Also a statement of the gold bonds issued to the holders of the drainage warrants issued to the Mississippi & Mexican Gulf Ship Canal Co. or to Warner Van Norden, transferee, consisting of 6 pages, written on one side only, said statement being taken from the books

of the city of New Orleans, marked as Exhibit O. B. S., ex., Dec'r 4, 1888.

Also a statement from the books of New Orleans showing the total amount of drainage certificates issued from 1871 to June 30, 1876, to the Mississippi & Mexican Gulf Ship Canal Co. or to Warner Van Norden, transferee, for the drainage work done, said statement consisting of 2 pages, marked as Exhibit O. B. S., Dec'r 4, 1888.

Also a statement showing the total amount of all the gold bonds issued, "drainage series," under section 13 of act No. 73 of 1872 from May 10th, 1872, to December 21, 1874, marked as Exhibit O. B. S., ex., Dec'r 4, 1888.

CHARLES F. BUCK, sworn on behalf of the defendant, says:

By Mr. SAUNDERS:

Q. You were formerly city attorney of the city of New Orleans?

1192 A. Yes, sir; I was.

Q. In your capacity of legal adviser of the city of New Orleans were you ever called upon to advise respecting the collection of the drainage tax; and, if so, what was your advice—what action did you recommend?

A. I did once; that was during my second term, under the administration of Mayor Behan and the charter of 1882, which placed the city attorney in charge of the city's litigation of any character whatever. I make this explanation because up to that time the city attorney had nothing to do with the collection of taxes, and the first time I was asked for my opinion was under Mayor Behan's administration. I think the committee on public order had under consideration the question that if the city took any steps for the collection of the taxes at all it was their duty to enforce the collection of the drainage tax. I gave that advice in writing.

Q. Have you a copy of that advice or opinion?

A. I do not think I have. I think they always went into print. They were printed in the proceedings of the council. I am sure of that. As I stated, it was at the commencement of Mayor Behan's administration—that is, within 3 months of his taking his seat—that I so advised. I will try and find a copy.

Q. Prior to that time had the matter of the collection of the drainage tax come before you?

A. Not officially at all, except that my attention was called to it by some sort of a proclamation—I can hardly call it a proclamation—or advice, rather, emanating from the mayor of the city in print not to take any efforts to collect this tax.

Q. Did you advise them on that occasion?

A. I do not think I was called upon for an opinion, because I had nothing to do at the time with the collection of the taxes, but I expressed my opinion very freely.

1193 Q. To whom did you mention it?

A. I know I mentioned it to the parties at the city hall, and perhaps to Mayor Shakespeare, that the issuing of such a proc-

lamation was a mistake, I thought; not only a mistake, but the city could not do that; the city was bound to make the collection.

Q. When did your connection with the city as city attorney commence?

A. In the November of 1880, which was a two-year term under the charter of 1870. In 1882, as you are aware, the Legislature passed a new city charter, under which charter an election was held in April; that was the election from which the new government took possession under Mayor Behan, who was in office until April, 1884. I was re-elected in 1884, and served from the beginning of Behan's administration until the beginning of the new charter, which was in 1884.

Q. Did you advise any suits by the city, or did you know what the city did?

A. I think the city continued to do what it always did with regard to the drainage tax.

Q. What was that?

A. That was simply to receive payment when payment was made in this manner; that the drainage tax was already in the form of a judgment against the property and affected by it, and when any property was sold the drainage certificate for the tax was called for and the tax was paid; but there were no suits brought except for the general judgment, under which the tax was assessed upon the property. The drainage-tax litigation was very complicated. I do not know much about it. I know there were no suits brought; I think it already existed under the drainage system itself. There was a
1194 suit decided after my time by the supreme c't of the State, in the case of Davison, in which the supreme court decided, as well as I am informed or know the purport of that decision, holding in effect that the tax could not be collected as against property which had received no benefit from the work, and on the strength of that decision a large number of rules or proceedings by rule or by petition or mandamus in all forms were tried in the civil district court for the purpose of having these taxes canceled as against the particular property. Under the administration of Mayor Shakespeare I did not pay any attention to such suits, but I know they were brought; they commenced at that time, because they did not fall under my department. On my second term answers were filed, and these suits were defended as well as we could defend them.

By the EXAMINER:

Q. You did defend them?

A. Yes, sir; we put in issue in every case.

By Mr. SAUNDERS:

Q. You resisted the erasure of the drainage tax, as I understand?

A. Yes, sir.

Cross-examination by Mr. DE GRAY:

Q. When you speak of the case of Davison against the city you refer to the case reported in the 34th Annual, do you not?

A. Well, I cannot say positively about that; I suppose so—that is, up to my second term, under Behan's administration, I had no duty to perform with regard to the collection of the drainage tax; it was the special department of the assistant city attorney and his assistants, for there was a separate office called the assistant city attorney, who was, by special ordinance, charged with the collection of all the revenue and litigation incident to it.

1195 Q. You spoke of the city continuing along at a certain time as she did, presenting a certificate of the drainage at sales. What sort of sales do you mean?

A. All the transfers of real estate—private sales.

Q. Where could she present her certificates?

A. She presented her certificate, when the certificate was called for, of all the taxes outstanding against the property. The drainage tax, if not paid, would appear in that certificate that came from the city hall.

Q. Would anybody call for a statement from the city hall to ascertain whether or not there was any claim against real estate that was transferred by private act?

A. In every act the notary calls for it.

Q. Does he call at the mortgage office?

A. He calls at both. He calls now at the mortgage office and also at the comptroller's office to see about the back taxes.

Q. In other words, the bill was presented; that is all?

A. No, sir. There was no bill presented.

Q. Was there any bill for the drainage presented?

A. I have told you, having nothing to do directly with this collection of taxes, I can only tell you of my general opinion.

Q. You have no actual knowledge of the details of it at all?

A. Well, I have no knowledge of the details, and I may be in error as to the foundation.

Q. Have you sufficient knowledge to state that the notaries called at the city hall in the case of every transfer of real property to get the amount of the drainage that was due upon that property?

A. I do not know that they specially called for it, but I do know that in every case where the drainage tax appeared against

1196 the property, whether they got the information from the mortgage office or the city hall, it was collected, and that is the only way in which the tax was collected for years and years past.

Q. Do you mean to state that there was no possibility of the sale of real estate effected without all the taxes and incumbrances upon the property being paid?

A. Well, I do not like to express an opinion, but the law gives a penalty against the notary that does it if the taxes are not paid.

Q. Well, there are some taxes or mortgages. How about that?

A. Well, that is by agreement between the notaries.

Q. Are the drainage taxes paid to-day?

A. There are certain taxes now due and unpaid. They are paid now when there are sales going on, where they are recorded in the mortgage office.

Q. Are you testifying what you know to be the facts or from what your judgment and knowledge of the law says to you is the way in which a thing should be done?

A. I am very much afraid there is very much combination of the two. Your examination is directed to both things—a great deal of what I say are conclusions of law.

Q. That is, of what is the duty of a notary in the case of a transfer or sale?

A. Yes, sir; I believe that is the way the city has collected the drainage tax for the last 20 years, and has not collected it in any other way.

Q. You are not familiar with what the supreme court of Louisiana said after hearing and peremptorily ordering the city of New Orleans to proceed by mandamus?

A. That I do not know.

Q. You were the city attorney at the time, in 1874, were you not?

1197 A. A short time in 1884.

Q. During that time it became necessary to revive the judgments or take proceedings in the first drainage district to revive the judgments. Do you remember that?

A. I do not remember anything about it.

Q. I want to ask you this: Do you not know that an application was made to you, as city attorney, by the holders of the drainage warrants, to wit, John Crossley & Sons, Limited, of Great Britain; that after presentation you declined to bring a suit as city attorney, thus compelling John Crossley & Sons to bring a suit to revive the judgment in their own names?

A. I do not think any such demand was made upon me as city attorney, and if there was such a demand I do not recollect it. I know from Mr. Butler that the Crossleys came to see me, and if they made such a demand I would have referred them to the city council. The city attorney cannot institute suits without the consent of the city council, but he may defend them.

Q. Did he not make a demand upon you, and did you or not decline to bring a suit by reason of the decision having been rendered in the Davison case?

A. I have no reasons at all for anything that transpired. I have not the slightest recollection of their asking me to bring the suit, but that he did present to me a petition which he had prepared, and which I eventually signed——.

Q. By an examination of the proceedings in the court I find that the suit to revive the judgments in the first drainage district was signed by Finney & Miller and Blanc & Butler, as the attorneys for John Crossley & Sons, Limited, who brought the suit for the revival. I ask you if you ever brought a suit for revival.

1198 A. Not that I remember; if I signed any papers in that connection I do not know it.

Q. Was not your attention called to the fact by Mr. Butler that it was necessary that the suit should be brought in that connection to revive the judgment?

A. I do not know that Mr. Butler stated it in that form.

Q. What did Mr. Butler state?

A. He may, perhaps, have asked me if I would join in the business. I had an amount of matters to do, and if I answered him anything I would have told him that I had no authority to bring the suit unless it was ordered by the city council.

By the EXAMINER:

Q. Do you say that you recollect Mr. Butler speaking to you on the subject?

A. Yes, sir; he spoke to me on the subject, but what his request was, or what my answer was, I do not remember; I know I never took part in the case.

By Mr. DE GRAY:

Q. Did you ever bring a suit to revive the judgment in the first drainage district?

A. I would not like to say that I did, but I have no recollection about it except that I had some conversation with Mr. Butler about this matter. You will find from Mr. Butler that my interest—that the city, as trustee—was that the city ought to do whatever she could do to collect the tax.

Q. You have stated that after the decision in the Davison case there were a great many rules and mandamuses and various proceedings taken to annul the drainage tax where there were no benefits conferred, or upon that theory.

1199 A. Yes, sir.

Q. These litigants were always successful, were they not?

A. I think they were. I tried very few of them personally.

Q. You know the results, because these were taken at the time you had charge?

A. Well, I would not necessarily know the result, but if there were any erased they would still remain there.

Q. They were taken at the time when you had charge of the drainage matters during your second term of office?

A. Yes, sir; may of them.

Q. And they were generally successful?

A. I think they were.

By Mr. HUNT:

Q. Who was assistant city attorney during your two terms? I mean as being charged with the tax collecting.

A. During the first term Mr. Gurley was assistant city attorney, and had his own clerks and assistants in that connection. Then I had nothing at all to do with the tax collections. During my term under Mayor Behan's administration Mr. Gurley, I think, was continued for a time in his position, and after that my assistants were Mr. Rogers and Mr. O'Donnell.

Q. I mean as to the tax collections.

A. Yes, sir; there was very little tax litigation at that time. I needed the services of these gentlemen most to attend suits for the

reduction of assessments and things of that kind. At that time the tax suits entirely ceased under the constitution of 1879 prohibiting the bringing of suits for back taxes. There was a change in the law, but, on the other hand, we were crowded with a number of petitions for reduction of assessments and these drainage tax rules.

1200 Q. At the time the two offices were separate, how was the compensation of the assistant city attorney regulated?

A. You mean under the charter of 1870?

Q. Yes.

A. The salary of the city attorney was fixed by the charter.

Q. I mean the assistant city attorney. How was he paid?

A. There was an appropriation. The assistant city attorney's department was put on the budget for a certain fixed amount, out of which—I know this by accident—but an appropriation was generally put in the budget, and he received a small monthly salary, something below $200. I am inclined to think that was all, except the stationery and his office, and the rest of his compensation was commissions on the collection of taxes.

Q. Are you aware of the character and efficiency of Mr. Gurley?

A. Yes, sir; I think I may say thoroughly so.

Q. What was his character for efficiency as assistant city attorney?

A. I consider he was most industrious and most capable.

By Mr. De Gray:

Q. You being city attorney and being familiar with legal questions that have been decided with reference to such matters, I will ask you whether or not it is true that the supreme court of Louisiana have decided that the city attorneys were not entitled to any commissions in drainage matters.

A. There is a special branch of jurisprudence about the city of which I do not know anything about without special examination.

Q. Are you familiar with the case of Waples *vs.* Lacey?

A. I remember the case, but the point decided I cannot state at this moment. I think, as far as I recollect, the decision of the supreme court is that the city attorney is entitled to his com-

1201 missions wherever he prosecutes a case to judgment.

Q. Did not the supreme court decide in the case of Waples *vs.* Lacey that the city attorneys were not entitled to the commissions in drainage matters?

A. Well, let the decision speak for itself.

Adjourned to Wednesday, December 5th, 1888, at 3 o'clock p. m

NEW ORLEANS, *December 5th*, 1888.

Examination of witness on behalf of the defendant resumed on this day pursuant to adjournment.

All of counsel of record present.

ERNEST J. JAUNET, sworn on behalf of the defendant, says:

By Mr. SAUNDERS:

Q. You are employed in the city hall, at New Orleans?

A. Yes, sir.

Q. What is your employment?

A. Chief clerk in the tax and mortgage registry in the office of the comptroller. I was book-keeper in 1887.

Q. I will show you a statement here of the drainage certificates issued to the Mississippi & Mexican Gulf Ship Canal Co., marked O. S. B., ex., December 4th, 1888, and ask you who prepared that paper.

A. I did.

Q. From what did you prepare it?

A. From the ledger in the comptroller's office.

Q. Is it correct?

A. Yes, sir; it is a correct copy from the books. I cannot say that the entries on the books are correct, but the copy is correct.

1202 Q. I also show you a document here, being a statement of the total amount of the gold bonds issued, marked O. B. S., ex., December 4th, 1888, and ask you who prepared that statement.

A. I did.

Q. From what did you prepare it?

A. From the books of the comptroller. I can swear that it is a correct copy of the books as it stands.

Q. I will now show you a statement marked O. B. S., ex., December 4th, 1888, and ask you who prepared that statement?

A. I did.

Q. From what did you prepare it?

A. From the same book kept in the comptroller's office, formerly the office of public accounts, or the office of the administrator of finance.

Q. Was that the office in which the drainage accounts were kept?

A. Yes, sir.

Q. Are these statements of collections and disbursements correct?

A. Yes, sir; they are correct. It is a correct copy as it stands on the books.

Adjourned to to-morrow, Thursday, December 6th, 1888, at 3 o'clock p. m.

NEW ORLEANS, THURSDAY, *December 6th*, 1888.

Examinatiou of witnesses on behalf of the defendant resumed pursuant to adjournment.

All counsel of record being present.

JOHN L. NEWMAN, sworn on behalf of defendant, says:

By Mr. SAUNDERS:

1203 Q. You are employed in the city hall by the city of New Orleans?

A. Yes, sir.

Q. What is your occupation there?

A. I am chief clerk of the comptroller's office.

Q. How long have you been in the employ of the city hall?

A. About 4½ years.

Q. Have you had anything to do with the drainage department?

A. Yes, sir; it was under my supervision.

Q. Under the supervision of your department?

A. Yes, sir.

Q. Here is a statement of the gold bonds issued to the Mississippi & Mexican Gulf Ship Canal Co. for drainage warrants, already offered in evidence. Will you state whether or not the city of New Orleans has in its possession the warrants which were surrendered for these gold bonds?

A. Yes, sir; there they are, every one of them.

Q. What is the amount of these warrants?

A. $1,375,984.25.

The witness now has here present the warrants, which have been checked by him, with the statement to which he has just referred.

Q. These bonds were issued between what dates?

A. The dates are there; between May, 1872, and December 31, 1874.

Q. Now, there has been offered in evidence a statement of all the drainage warrants issued by the city of New Orleans from — 1, 1871, to January 1st, 1875. Where are these warrants?

A. All the warrants that I have are here.

Q. Are they or are they not all the warrants issued from 1871 to 1875?

A. I cannot answer that question. Our books have been
1204 lost, but I think they are here, every one of them; I have checked them off. They are all here up to this date.

Q. In this bundle of warrants which you produce are the warrants all of the same kind as to wording?

A. No, sir.

Q. Just tell us when they began and where they differ.

A. From June, 1872, to the 31st December, 1874, you will find a different form. There is a difference from May, 1871, to June, 1872, and from June, 1872, to 1874, these latter are another form.

Q. We want a copy of the two forms.

A. Yes, sir; I will furnish it.

Q. What was the kind of warrant that was issued after January 1st, 1875?

A. That is it; I have brought it here.

Defendant offers in evidence the warrant marked O. B. S., ex., Dec'r 6th, 1888.

Q. Now, were these red warrants issued prior to January 1st, 1875?

A. No, sir; there were none issued; I have not seen any of them.

Q. Do you recollect the entire number of the warrants from 1871 to the 31 December, 1875?

A. From No. 1 to 499.

Q. Did you go through them and see that you had all the numbers between 1 and 499?

A. Yes, sir; I myself went through them.

Q. State if all the warrants from 1 to 499, both included, are here.

A. Yes, sir; they are here.

Q. And they are all of the form that you have already stated?

A. Yes, sir.

Q. They run from July 8th, 1871, to December 1, 1874?

A. Yes, sir.

1205 Q. Now, you furnished a statement here showing the warrants issued after January 1, 1875, which were paid in cash or received for cash in the payment of taxes?

A. Yes, sir.

Q. Has the city or has it not these drainage warrants?

A. I have them right here, with the exception of one. I did not have time to find it in the vaults somewhere. It is for $1,300. I have not had time to find it yet.

Q. But you can find it?

A. Yes, sir; I can.

Q. All the rest you have?

A. Yes, sir.

Witness is here shown document marked O. B. S., ex., Dec'r 4, 1888.

Q. Is that the document which embraces them all?

A. Yes, sir.

Q. The city has in its possession all of the warrants, white or red, which were paid by the city in cash or received by the city for taxes?

A. Yes, sir.

Q. Are these warrants of the same kind?

A. No, sir; they are some white warrants and some red warrants.

Q. The white are the same kind as the white you have spoken of?

A. Yes, sir.

Q. And the red is of the same kind that you have produced?

A. Yes, sir.

Q. Have you any blank forms of the old warrants.

A. No, sir; I have not.

The witness in testifying refers to the white and red warrants received by the city for taxes or paid for in cash by the
1206 city.

Q. Now, here are some receipts. What are they?

A. They are the receipts of the different warrant-holders in the Mississippi & Mexican Gulf Ship Canal Co. The warrants were surrendered and we gave them a warrant on the treasury for a gold bond. This is the receipt for the warrant.

Q. What is the total amount of the receipts that you have just presented? How does it correspond with the total amount of the bonds?

A. This statement is of the bonds issued to Van Norden and the Mississippi & Mexican Gulf Ship Canal Co.

Mr. Saunders offers in evidence a copy of the two receipts in their separate forms—the printed form and the written form.

In connection with these receipts just offered the defendant further offers the copies of the city ordinances Nos. 1484, 1507, 1554, and 1563, administration series, being the ordinances mentioned in the said receipts.

It is agreed that the defendant may offer in evidence copies certified by the comptroller of the white and red warrants, the copies to be subject to all the legal objections that could be urged against the original. The said copies, being produced, are respectively marked O. B. S., ex., Dec'r 6th, 1888.

Cross-examination by Mr. De Gray:

Q. Have you all the warrants here that were paid since 1875, and have you also a statement of the entire number of drainage warrants issued? Can you tell us now how many drainage warrants there were out or are out now and unpaid?

A. I cannot.

Q. Why not?

A. Because I have not the book; the book has been lost.

1207 Q. But you have the warrants themselves here?

A. I have the warrants here, but I cannot say how much are outstanding now. The books have been lost.

Q. Have you not furnished a statement showing the total number of warrants issued from the first commencement of the issuing of the warrants until the purchase by the city of New Orleans, in June, 1876?

A. I have furnished that statement.

Q. You have furnished a statement of the entire number of the drainage warrants that have ever been issued?

A. No, sir; I have not.

Q. I thought you could tell from what you had here the amount that was out.

A. No, sir; I could not.

By Mr. Saunders:

Q. Will you now examine the statement marked O. B. S., ex., Dec'r 4th, 1888, and state who prepared it?

A. Mr. Jaunet.

Q. What does that statement purport to be?

A. Statement of the drainage certificates issued to the Mississippi & Mexican Gulf Ship Canal Co. in payment for the work done as per surveyor's certificate of November 18th, 1871, to June 4th, 1876, $2,297,734.59.

Q. Does that statement show or not all the drainage certificates ever issued?

A. It does. I think I have all these drainage warrants in my office.

Q. All that have been issued?

A. No, sir; the surveyor's certificates for that work.

Q. Upon which the drainage warrants were based?

A. Yes, sir.

1208 Q. Now, if this statement shows the total amount of the certificates issued, and if this other statement of the collections shows the amount of the drainage warrants paid in cash and paid for taxes, can you not tell from the two how many are outstanding?

A. Yes, sir; I can.

Q. Well, tell us how many.

A. I will have to make the calculation, which will leave a balance of $695,109.50 outstanding warrants.

Q. That includes the $320,000 issued on June 3, 1876?

A. Yes, sir.

Q. Now, when were these warrants that are now outstanding issued?

A. I think they were issued subsequent to December 31, 1874.

Q. Here is a statement showing the total amount of the certificates that you have just spoken of. Will you look at that statement and tell us what was the amount of the certificates issued up to December 31, 1874?

A. $1,426,263.67.

Q. Now, can you tell us whether or not all of these drainage warrants have been taken up prior to December 31, 1874?

A. Yes, sir; I think so. In fact, I am positive that they were all taken up. We have $1,375,984.25 funded in bonds, and you will find the difference in what was taken in and paid for taxes and what was paid by the city for them in cash.

Q. Then all now outstanding were issued subsequent to January 1st, 1875?

A. Yes, sir.

1209 LOUIS LAROQUE, sworn on behalf of the defendant, says:

By Mr. SAUNDERS:

Q. You are employed by the city of New Orleans, are you not?

A. I was appointed book-keeper of the bureau of drainage.

Q. How long have you been connected with the drainage department?

A. 20 years.

Q. Here is a statement, marked O. B. S., ex., Dec. 4, 1888, of the collections of the warrants in cash and a statement of the disbursements of the drainage tax by the city of New Orleans. Will you look at it and state who prepared it?

A. The collections, so much, were all prepared by Mr. Jaunet, taken from the books of the office.

Q. And the balance was prepared by whom?

A. I took off the statement showing the certificates received from drainage taxes.

Q. Is there anything else in that which you made?

A. I checked them all off to see if they were correct, and also a statement of the warrants taken in by the warrants, cash paid to the bondholders for the warrants.

Q. That is, you made a statement of these warrants which were paid in cash to the holders of them?

A. Yes, sir.

Q. From whence were these statements drawn?

A. From the books in the comptroller's office of the city of New Orleans, under which the bureau is placed.

Q. Has the city of New Orleans any vouchers for these documents?

A. Has the city any vouchers?

Q. Yes.

A. She has the warrants that she paid and the warrants that she received for the drainage taxes.

1210 Q. Have you checked off these warrants?

A. Yes, sir.

Q. And the statements are correct?

A. Yes, sir; they are.

Q. Now, here is a statement of the assessments in the fourth drainage district, marked O. B. S., ex., Dec'r 4, 1888, and another statement in detail of these assessments. Will you state who prepared this statement?

A. I prepared them myself.

Q. From what?

A. From the books in the office of the bureau of drainage.

Q. Are they correct?

A. Yes, sir.

Q. There is also a statement of the collection made by the city of New Orleans and the board of commissioners. Did you prepare that?

A. Except that collection part which Mr. Jaunet made. I took them from him, but the collections from 1876, in cash and warrants, I got from this report of Mr. Jaunet.

Q. Prior to 1876 did you make that statement?

A. Prior to 1871.

Q. Who made the statement of the collections from 1871 to 1876?

A. Mr. Jaunet made the statement. He made the additions and everything.

Q. You made a statement of the collections prior to 1871?

A. Yes, sir; they were taken from the books.

Q. Are they correct?

A. Yes, sir; correct according to the books—according to the statements made in the minutes.

Q. Mr. De Gray has offered in evidence a statement of the total amount of the assessments in the four drainage districts which
1211 differs a little from yours. Now, in the first district Mr. De Gray's statement shows $705,000 and some cents.

A. Yes, sir.

Q. Were you aware of the discrepancy between Mr. De Gray's statement and your own?

A. Yes, sir; I was.

Q. Did you make any effort to see which was correct?

A. Yes, sir; I did. We looked at the original rolls placed in court in 1872 and previously, and I think that mine came out correct.

Q. Now, in the second district there is also a discrepancy between the statement offered by Mr. De Gray and that now offered by you. Were you aware of that discrepancy?

A. I was.

Q. Did you make any effort to find out which was correct, yours or his?

A. Well, the only effort that I could make was to look. I got that from the minutes of the board of commissioners of the second drainage district made in 1867 by William T. Mayo, the secretary at that time.

Q. What is the cause of the discrepancy between Mr. De Gray's statement and yours?

A. I cannot tell.

Witness, being shown the statement in detail of the assessments in the second drainage district, and being shown the report of the department of public accounts for September, 1872, states that the cause of the discrepancy between his report and that of the report of the department of public accounts is that in the department of public accounts two instalments, the 9th & 10th instalments, were not deducted as they should have been, and on his statement they are deducted.

1212 WITNESS: I will also state to you how I got at the result in the first drainage district. In the minutes of the board of commissioners of the first drainage district in 1867 there is a detailed tabular statement showing the assessment in four sections of the first draining district separately. This statement was gotten up by the board of commissioners, as the minutes states, to know what they had to work on and what amount of money had been collected from 1860 to 1867, during the war, when it was out of their hands. That tabular statement I have made a copy of and it is produced here; that is where I got it.

Q. Now, in the fourth drainage district?

A. Yes, sir; the roll assessment is made in the plan and tax.

Q. Was that statement of the assessment correct?

A. Yes, sir; also the statement of the second drainage district

was taken from the minutes where they required a statement to be made, and that statement was made by Mr. Mayo at the time, in 1867, showing the original assessment, the amount collected, etc.

Cross-examination by Mr. DE GRAY:

Q. How do you account for the fact that the drainage-rolls, as homologated by the court in the first drainage district in 1874, put the assessment and the court rendered judgment for the amount of the assessment against the city of New Orleans for the sum of $231,000 for the last 9 instalments, while on the list it is $271,000? Can you account for it?

A. Unless it is some section of the first drainage district where the streets were not included.

Q. Are they or not included in the rolls as they were homologated?

A. Yes, sir; that is the only way I know it could be.

1213 Q. You have furnished no statement showing the exact amount for which judgments are rendered against the city of New Orleans.

A. From the office?

Q. Yes; in the first drainage district.

A. No exact amount.

Q. No; you furnished no statement from the office showing the amount of the judgments against the city of New Orleans based upon the rolls in the first drainage district; or, in other words, in this statement you have made is a statement of the assessment.

A. Yes, sir.

Q. But you have furnished no statement showing to what extent that assessment was homologated by the court, have you?

A. No, sir.

By Mr. HALL:

Q. You do not mean to say that you made a list of the judgments from the judgments themselves?

A. No, sir.

By Mr. DE GRAY:

Q. You do not know what the amount of the judgment was rendered against the city of New Orleans in the first drainage district?

A. No, sir.

Adjourned to Friday, December 7th, 1888, at 3 o'clock.

NEW ORLEANS, FRIDAY, *December 7th*, 1888.

JAMES W. PEAKE
vs.
THE CITY OF NEW ORLEANS.

Testimony resumed on behalf of the defendant, as per adjournment, all of the counsel of record present.

1214 JOSEPH DEPOSITO, sworn on behalf of the defendant, says:

By Mr. SAUNDERS:

Q. Were you employed by Mr. Houston, the former tax collector of the city of New Orleans?

A. Yes, sir.

Q. In what capacity?

A. Chief clerk.

Q. How long were you employed by Mr. Houston?

A. By him 10 years; by Major Burke 2 years, and Mr. Bond 2 years. I have been nearly 14 years in the office, in different positions.

Q. During that time has your attention been drawn to the collection of taxes from the rear portion of the city—I mean the State tax?

A. Yes, sir.

Mr. De Gray objects to the testimony of this witness on the ground that it throws no light upon any of the issues involved in this case.

Q. Tell us whether it has been possible to collect the State tax from the property in the rear of the city—I mean unimproved property.

A. Define what you mean by unimproved property.

Q. I mean swamp lands.

A. You mean property without buildings?

Q. Yes.

A. Yes, sir; we have always been forced to adjudicate all that vacant property—that is to say, with few exceptions, where there were a few squares bordering upon Canal street, I suppose; for instance, the Bell property, or a few milk stables. All the rest have been adjudicated to the State of Louisiana for taxes time and again.

1215 Q. Why did you not collect the tax?

A. We could not find the owners or anybody to pay them.

Mr. De Gray objects as before.

Q. At sales did anybody buy the property?

A. No, sir; the majority of the property has been adjudicated to the State of Louisiana; I think that property now is in the hands of the State.

By Mr. HALL:

Q. Were there not bids enough offered at these sales?

A. There were not any bids, or they would not have been adjudicated to the State.

Q. Is or not that property worth the amount of the tax assessed against it?

A. It is not—that is to say, the amount due against it; it is not worth it.

Q. Was or was there not some case where you did find the owner?

A. No, sir; not such property as that; it was all sold by default.

By Mr. SAUNDERS:

Q. Within what area was it the case where you could not collect the taxes, as you have just testified?

A. Say from Common street clear as far back as Carrollton, is you want to go in that direction, with the exception of where it is built upon in Carrollton, or, getting into the Carrollton property, I will say from Hagan avenue back to the cemeteries; in fact, since you ask me, I have known of my personal knowledge, and Mr. Rance has known, for he has some of the choicest spots out there that he has abandoned.

Q. Abandoned because the property was not worth the payment of the taxes?

A. Yes, sir.

1216 Q. How about the property beyond that, between it and the lake?

A. Well, it is all swamp land; a great deal of it is not even assessed; I do not know anything about it?

Q. Why is it not assessed?

A. I suppose because it has no valuation.

Mr. De Gray objects.

WITNESS: Well, there is no valuation upon that stuff, anyway; I know that positively.

Cross-examination by Mr. DE GRAY:

Q. Have you ever bought and sold real estate for a business?

A. No, sir; for investment, and I would buy again if opportunity arose.

Q. Where did you buy property.

A. Back in the Third ward.

Q. Bought in when it was sold at tax sale?

A. No, sir; regular auction.

Q. I will ask you whether the sale of unimproved property by the State is the criterion of any value of the property?

A. Yes, sir; it is.

Q. Why—does it convey a title?

A. Yes, sir; it does.

Q. A good title?

A. Yes, sir.

Q. There is no redemption about it?

A. No sir; not under act No. 82.

Q. When was that act passed?

A. In 1884.

Q. Prior to that time was there a title conveyed?

A. Yes, sir; that was with the various acts.

1217 Q. With the right of redemption?

A. Yes, sir.

Q. Is there any right of redemption now?

A. Well, I suppose you know better than I do. I suppose there is, under certain acts.

Q. Is there any right of redemption in the sale of a piece of property that is to-day sold for taxes within a certain time?

A. No, sir.

Q. Are you positive of that?

A. Yes, sir; I am positive of that. I wish to explain the acts. The acts Nos. 86 & 98 for the different years provide for the redemption of one year, and that is for the current taxes. Then there is the act 82 of 1884, wherein there is no redemption. The sale is conclusive for the taxes due for all years previous to 1878 and the previous years. This property was previously adjudicated to the State under act No. 98.

Q. For what year?

A. For 1880. Under act 98 of 1880 this property was adjudicated to the State on account of not having bidders who were willing at that time to pay sufficient to cover the taxes, interest, and costs that were due at the time; consequently it was adjudicated to the State. Subsequently, for that reason, act No. 82 was made in order that the State might convey a title, and provided that the property should be sold to the last and highest bidder without regard to the limit.

By Mr. HALL:

Q. Under that act what sales have attempted to be made?

A. We made a great deal. Now, this identical property that you speak of has been purchased for sums ranging anywhere, ac-

1218 cording to the squares, etc., for from one to five dollars.

Q. A square?

A. Yes, sir; or parcels or lots, or in whatever way it may have been assessed. The reason that I base my idea that it was not worth that money is that since it was made obligatory on people purchasing since the act No. 82 was passed that they should pay the taxes for 1880 and the subsequent — before acquiring a perfect title, a thing which I know is not done——

By Mr. DE GRAY:

Q. Is it not true that there is an accumulation of taxes on this property going on for a number of years?

A. Yes, sir.

Q. When you say that the property would not sell for enough to pay the taxes you mean where there is an accumulation of taxes?

A. No, sir; I have reference to the tax due from 1880 up to date, and they would not pay that much.

Q. What is the rate or percentage?

A. Six mills; that would be 60 mills at six per cent.

Q. And this is the percentage on the assessed valuation?
A. Yes, sir.
Q. Then there are the penalties?
A. Yes, sir. That would be 2 per cent. a month; 8 per cent. per annum and the costs of advertising.
Q. So that the accumulation of taxes since 1880 to the present time, with all the penalties, would be a great sum compared to the assessed value of the property?
A. Yes, sir; it would as so compared.
Q. It would be equal to the total assessed value of the land?
A. Yes, sir; or over.

1219 By Mr. SAUNDERS:

Q. The State tax is 6 mills?
A. Yes, sir; from 1880 to date.
Q. Now, the penalties for the non-payment of the tax prior to 1880 are how much, or were they remitted?
A. They were remitted by the constitution of 1879 for one year. The constitution made the provision that for a cash payment on January 1, 1880, that a rebate, in addition to the remittal of the penalties of 10 per cent., would be given during the various months of the year—that is to say, if you came in during the first month of January, 1880, on the face of the bill, without the penalties being remitted, they would give you a reduetiou of 10 per cent. on the face of the bill, and this percentage was diminished as the bill was kept back longer.
Q. There was a remission of 10 per cent. on the taxes of 1880?
A. Yes, sir.
Q. Are there any penalties with the taxes now?
A. Yes, sir.

By Mr. HALL:

Q. On this property which you attempted to sell there was an assessment based upon the value of the property?
A. Yes, sir.
Q. And the interest running on each year's taxes after 1880 at the rate of 8 per cent. per annum?
A. Yes, sir.
Q. How many years' taxes were due upon the property—how far back from 1880?
A. Back to 1869, more or less. These were rare cases. On account of the wreckage we can tell. They range back until 1872 or 1873.
1220 Q. What you said was that the taxes, with the interest added to it, exceeded the assessed value of the property?
A. Yes, sir.
Q. Was that generally the case in a number or a few?
A. No, sir; they were not rare. There were a great many of them; nearly 50 per cent., you might dare to say.

By Mr. SAUNDERS:

Q. How did it happen there were so many properties in the rear of the city upon which the taxes were not paid?

A. I cannot answer why it was.

Q. Was that the case in other portions of the city?

A. No, sir; it is not. The other portions of the city is all collected, for I suppose I have collected as high as 99 per cent. of the rolls.

Q. It was in the rear portion of the city where all the delinquents were?

A. Yes, sir.

By Mr. DE GRAY:

Q. When did you begin to sell the property for taxes?

A. That was about 1882 or 1883.

Q. And the sales that you refer to were sales that occurred between 1883 and the present time?

A. Yes, sir.

Q. How does the value of the real estate compare, say, from 1883 to the present time, with the value of real estate from 1871 to 1879 or 1880?

A. A big decrease.

Q. Has there not been a large decrease in the value of real estate in the city of New Orleans since when it was the highest?

1221 A. I cannot say when it was the highest. I am not old enough to notice, but along about 1873 or 1874 were about the highest years, and about the year 1870, then, were the largest assessments.

Q. Since that time real estate has decreased in value?

A. Yes, sir.

Q. Is the value of real estate in the rear portion of the city since 1873 half of what it was prior to 1875 or 1876?

A. No, sir; I think not.

By Mr. HALL:

Q. What was the total assessment of all the property in the city of New Orleans prior to 1876?

A. I cannot say; I never saw it.

Q. Do you not know where the rolls are?

A. No, sir.

Q. Do you not know that the total assessment of the city of New Orleans is larger than it ever has been?

A. At the present time; yes, sir; but that does not make an increase in the value of the property of the city. The city is growing larger. The value was higher in 1870 than it is now. Take from 1865 to 1870; I notice then in purchasing that the valuation was nearly $\frac{1}{3}$ more then than what it is to-day back there.

Q. From 1865 to 1870?

A. Yes, sir.

Q. Why was that?

A. Because property was more in demand.

Q. Do I understand you to say correctly that *of* the value of all the property in the city of New Orleans?

A. No, sir; not all, for this reason: It would be ridiculous to say all; but I thought you were talking about these swamp lots, because to these places people do not think of going, but up St. Charles avenue, where you could not get a place to-day for love or
1222 money; but the property in the back of the city was far more valuable than it is to-day—that is, improved property.

Q. Why?

A. I cannot say why, except that in these days the milk people were more prosperous and had more pasturage.

Q. You are speaking of the years between 1865 and 1870 and the years between 1870 and 1874?

A. Yes, sir.

By Mr. DE GRAY:

Q. How did the value between 1865 and 1870 compare with the value between 1870 and 1874? Was it about the same?

A. No, sir; the decrease began then, in 1874 and these years.

Q. The decrease began from 1870 to 1874?

A. Yes, sir.

Q. What would you say was the percentage of the value in 1870 to 1874 compared with the present time?

A. Well, nearly 33 per cent. difference.

Q. It was worth 33 per cent. more then than it is to-day?

A. Yes, sir.

Q. Between 1870 and 1874?

A. Yes, sir.

By Mr. SAUNDERS:

Q. What are these squares worth to-day?

A. I do not know. You cannot sell them; I do not know anybody that would take them, except a few lots of ground near Canal street.

Q. The evidence that you have given here, as I understand you, relates entirely to the unimproved portion of the territory that you describe?

A. Yes, sir.

Q. You do not mean that all the land that is embraced within this territory would not sell for the taxes and is not worth the taxes to-day?

1223 A. With rare exceptions, I do.

Q. Now, take all the way along from Claiborne street to the Half-Way House, on Canal street. I ask you will not that land sell for the taxes?

A. Yes, sir.

Q. Take the land on both sides of Broad street, from the new to the old basins. Will not that tract sell for the taxes that are on it?

A. Yes, sir. You are selecting spots. All that ground has been raised and improved, but none of that is for sale for taxes.

Q. Is not the land from Hagan avenue to Carrollton avenue worth the taxes?

A. Where is it situated?

Q. Between the two canals.

A. No, sir.

Q. None of it?

A. Yes, sir; that bordering on the canal or the road.

Q. This land bordering on Bayou St. John, will it sell for taxes?

A. All the territory between Carrollton avenue, Hagan avenue, and new basin and Bayou St. John would not sell for the taxes, but this ball park, that is included in this portion and raised. Then there are a few milk stables, all enumerated on the map there; but this territory near the bayou would not sell.

Q. Now, the territory on Canal street or about it, on the opposite side?

A. From Hagan avenue out it is the same thing, with a few exceptions, such as Bell's property and a few milk people who occupy the land along there. I have seen whole squares along there, where it was brought to my knowledge that the purchase had been made, where the parties examined the title and found there were
1224 $1,400 for these years, and that they would have to expend $600 or $700 in the taxes and they would not redeem them—that is, near about Canal street.

Q. When you say the tax, what was the amount of the tax that was on these squares to be redeemed?

A. More than the value of the land.

Q. How much in money?

A. Well, $100 a square, interest and taxes, where it was not broken up in lots.

A. I thought you said there were $1,200?

A. Well, these asesssments.

Q. What is the assessment on the land between Carrollton avenue and Hagan avenue?

A. About $75 a square, averaging everything. The taxes on this land averaged about $100 a square.

Q. Is it not true that the land is worth so little because it is subject to overflows and undrained?

A. Well, in one sense; yes, it is owing partly to that

Q. What is it owing to?

A. To this overflow and want of drainage—that is, the cross tract.

Q. If that land was drained and dry land, do you mean to say or not that it would not be worth the amount of the taxes on it or more?

A. Yes, sir; it would be worth more than the taxes on it.

By Mr. SAUNDERS:

Q. I understand you to say there are spots about on this land that are worth more than the average land about there?

A. Yes, sir; on account of the improvements on the property. If it were not for them I suppose we would have the more waste.

1225 A. P. HARRISON, sworn for the defendant, says:

By Mr. SAUNDERS:

Q. Are you in the employ of the city of New Orleans?

A. Yes, sir.

Q. In what department?

A. Chief clerk in the department of the treasury.

Q. How long have you been in the employ of the city of New Orleans?

A. Since New Year's Day, 1872.

Q. Had you anything to do with the issuing of the 7 per cent. gold bonds, drainage series?

A. Yes, sir.

Q. Did you keep the account of the bonds so issued?

A. I have the account carefully kept.

Q. What was the total amount of the bonds issued in the drainage series, according to the books?

A. $1,665,000.

Q. Will you explain the manner in which you issued these gold bonds to Van Norden or those having the warrants?

A. These parties would come with a certificate signed by the mayor and by the administrator of finance. The administrator of accounts was the title of the office on the other side—the comptroller's office. They came with that paper in a printed form calling for so many bonds. These were the certificates, the number of the bond, and the date of its issue.

Q. You say that the parties entitled to the bonds would come for the bonds with an order signed by the mayor?

A. Yes, sir.

Q. Would that order specify the drainage warrants issued?

A. Yes, sir; the drainage series always printed upon it.

1226 Q. When you issued a bond did you or not see the printed warrant on which the bond was issued?

A. I did not issue any without the warrant—without coming in personal contact with the warrant.

Q. Did you see the printed warrant itself?

A. It was an order for a drainage bond. They were printed on thin paper. I was the custodian of the bonds and I delivered them.

Q. Here is an order directed to you, signed by the mayor and the administrator of finance. It is directed to the administrator of public accounts, authorizing him to deliver to W. Van Norden so many dollars in warrants for consolidated bonds. Subjoined to that is Van Norden's receipt for the warrant. Was not that paper presented to you?

A. Well, my idea of it is that they were presented on different colored paper—thin paper.

Q. Is this the paper that was presented to you?

A. Yes, sir.

Witness, being shown a drainage warrant, states that it is a part that he never saw, and says:

My memory does not go back to the details of these transactions, except delivering so many bonds on the order which was presented to me and which I canceled. I am under the impression that I punched these drainage warrants.

Q. Then you must have seen these drainage warrants?

A. It is reasonable to suppose that I did, for I punched them.

Q. When you punched them what did you do it with?

Mr. De Gray objects on the ground that it has not yet been shown that he did punch them. The opinion that he did punch them, coupled with the statement that he cannot remember the details of the transaction after so many years, cannot throw light on the transaction.

1227 Q. Can you state upon what document you issued the bonds?

A. A document with the mayor's signature.

Q. Is that the document which I show you now?

A. Yes, sir.

Q. Did you take any receipt for the bonds when you issued them?

A. I do not remember that I did. I know that I delivered the bonds on the orders. The orders went to the other office canceled by me.

Q. You have not seen them since?

A. Not for 12 years.

Q. Can you say that the drainage warrants accompanied these orders?

A. I cannot say that they did.

Q. Are your books all written up with these statements?

A. Yes, sir; the same numbers and the names to them.

By Mr. HUNT:

Q. Will you be good enough to state whether there were receipts preserved by you of all the bonds that passed through your department?

A. I cannot state.

Q. Well, the treasurer preserves them—they were kept away, were they not?

A. I do not remember exactly how they were delivered. They were delivered on orders and I canceled the orders. That is what I took care of.

Q. Would not a search in the vaults ascertain that fact?

A. Well, I sent up a great many vouchers, a large bundle, and they are embraced in these papers.

Q. Do you know what was in these vaults?

A. An indiscriminate mass of vouchers of the city of deeds done. I thought I put these packages in there.

Q. What packages do you refer to?

1228 A. I refer to the certificates upon which I issued the bonds. I had not the slightest doubt that they were there, but they did not turn up there in the vault.

Q. So far as your search goes you have not found them?

A. No, sir; I know we had a voucher for every bond I issued, but I haven't it now. It was sent away from this office to upstairs, and if I find the vouchers I will produce them.

Mr. Hunt, for the city of New Orleans, closes the case and his evidence for the defendant, reserving his right to introduce the receipts for the bonds if the witness can find them.

And it had been agreed at the commencement of the taking of testimony in this cause that the signatures of the witnesses to their respective depositions be dispensed with.

(Signed) O. B. SANSUM, *Examiner.*

1229 Circuit Court of the United States for the Eastern District of Louisiana. In Equity.

JAMES W. PEAKE
vs.
THE CITY OF NEW ORLEANS. } No. 11614.

Testimony taken on the 31st day of January, 1889, on the part of defendants in the above entitled and numbered cause, before O. B. Sansum, Esq., a master of this court, at his office, No. 52 Camp St., New Orleans, La.

Appearances: R. De Gray, Esq., solicitor for complainant; Carleton Hunt, E. D. Saunders, and H. H. Hall, Esqrs., solicitors for defendants.

Index.

B. Harrod.....Page 1.

1230 Witness, B. M. HARROD, being duly sworn as a witness for defendants and examined by Mr. SAUNDERS:

Q. How old are you?
A. I am fifty-two years of age.
Q. You are the surveyor of the city of New Orleans, are you not?
A. Yes, sir.
Q. You were once on the commission for the improvement of the Mississippi river, I believe?
A. Yes, sir; and I am still on that commission.

By Mr. HUNT:

Q. You have been on it since its organization?
A. Yes, sir.

By Mr. SAUNDERS:

Q. You are a civil engineer by profession?
A. Yes, sir.
Q. How long have you been such?
A. Since the war I have been in active practice, and I followed it before that.
Q. Did you ever examine the plan of drainage for the city of

New Orleans prepared by the late Mr. W. H. Bell, a portion of which was executed by the Mexican Gulf & Ship Canal Company, Van Norden, transferree?

A. Yes, sir; I have seen the drawings and some of the specifications.

1231 Q. Did you examine this plan with reference to the cost of its completion?

A. Yes, sir.

Q. What would it have cost to complete this plan of drainage mapped out by Mr. Bell and partly executed?

Objection.—Mr. De Gray, solicitor for complainant, objects to the question on the ground whether it cost little or much does not concern any one here in this case. The plan was devised by the Legislature of the State of Louisiana, as set forth in act No. 30 of 1871, with the exception of a few details which were under the control of a board of administrators. Whether the plan was a good plan, whether it was a bad plan, whether it was an expensive plan, or a cheap plan does not in any way concern the people who were the contractors for doing the work.

Mr. O. B. Sansum, master, overruled the objection.

A. I have estimated that the cost of the work required to be done on the protection levees to complete them would be $2,123,000, and that there was work to be done on the interior system of canals over and above what was done, so as to make it a complete system of drainage, which is not shown on any plan I have ever seen of the intentions of the company. The work on the protection leeves I have estimated at $2,123,000 to complete them.

1232 Q. Now, what would it have cost to complete the revetment levees along Lake Pontchartrain from the point at which it was left off and which was to be completed on that scheme or plan?

A. $1,166,000.

Q. And what would it have cost to complete the protection levee on the upper side of the city?

A. The work on the upper protection levee was nearly completed. There was $675,000 done, and there was not more than $50,000 required to complete that work.

Q. What would it have required to build the protection levee on the canal on the lower side of the city?

A. The People's avenue canal to the Lafayette avenue canal, and from thence up to the river, I have estimated at $1,016,800.

Q. That is on the lower side of the city?

A. Yes, sir; the lower side and the rear.

Q. Suppose, Major, that the revetment levee and drainage canal along the lake front had been completed and the protection canal above and below the city, but without any interior canals in addition to those excavated had been dug, what would have been the effect of such drainage?

A. It would afford protection from overflow either from the river or the lake. There would be needed the assistanc of drainage canals

and machines in addition. The protection levee would have no effect in draining overflows caused by the river flood or rainfall.

Q. Have you any idea what it would have cost to have dug and completed the system of interior canals sufficient to have drained the rear portion of the lands?

1233 A. No, sir; I haven't any information as to what they had in contemplation. Well, they made an expenditure in interior canals of about $939,887, and I should not regard the work more than half done.

Q. So that to have drained this rear portion included in outlined protection levee would require over $900,000?

A. I say that I don't think the work that was done for $900,000 was more than half that was required to be done.

Q. What is the character of altitude of the land between Metairie Ridge and the revetment that projected out along the lake front under this Bell scheme?

A. The character of the land?

Q. Yes.

A. The Metairie Ridge is an alluvial formation with an elevation of about probably four feet, which is lost in, say, a quarter of a mile. After you quit the ridge one-quarter of a mile back towards the lake shore is a swamp at approximately high tide level with the lake. It is a tidal swamp.

Q. The construction of a protection levee around that rear portion would not drain it at all?

A. No, sir; there are different objects to be accomplished by different works.

Q. What is the character of the land between the Metairie Ridge and the city of New Orleans?

A. There is some of that land, sir, that is in the settled part of the city of New Orleans.

Q. Well, what is the character of that land between the

1234 Metairie Ridge and the settled part of the city of New Orleans?

A. Some of the land is lower than the lake. In the rear of the city there is a tract of land about Broad street and Hagan avenue that is from a foot to a foot and a half below tide level, and if it were thrown open to the lake, as it is by People's-avenue canal below, it would be permanently submerged by lake water. If the Bayou St. John or Carondelet canal levee, for instance, was not elevated Canal street at Hagan avenue would have a foot or a foot and a half of water over it as its usual condition.

Q. What effect had the excavation of People's-avenue canal in draining this rear portion of land?

A. The ridge afforded protection to the land between the ridge and river. The canal admitted overflow from Lake Pontchartrain. The overflow from Lake Borgne would reach that tract only by a tortious route. But by going through Metairie Ridge by the People's-avenue canal the overflow from Lake Pontchartrain entered much quicker than from Lake Borgne.

Q. Was the construction of People's-avenue canal a benefit or a detriment to the land that side of the Metairie Ridge?

Objection.—Mr. De Gray, solicitor for complainant, objects to the question on the ground that an estimate or a calculation of the value of it is in no way to affect it or in any way to affect the man, who, the man is, to do the work.

Mr. O. B. Sansum, master, overrules the objection.

1235 A. It rendered it more liable to overflow in the condition in which it was left; its incomplete condition opened it to overflow.

By the MASTER:

Q. It rendered it more liable to overflow?
A. Yes, sir.

By Mr. SAUNDERS:

Q. If that canal had a levee alongside of it, completed to Metairie Ridge?
A. The excavation was complete, but the embankment was not.
Q. What was the matter with that embankment?
A. Well, the ground was all dumped here and there; it was not graded off into the shape of a levee—not smoothed down at all.
Q. On which side of the People's Avenue canal was the levee put?
A. On the east side.
Q. On the lower side, then?
A. Yes, sir.
Q. When an overflow comes from this People's Avenue canal, on which side does the overflow reach the city?
A. The city side.

Objection.—It is understood by the solicitors for respondents that all the evidence in regard to the People's Avenue canal is subject to the objections of Mr. De Gray, solicitor for complainant.

1236 Q. What has always been the character of the lower rear portion of land between Metairie Ridge and the river as regards elevation?
A. It has always been in its present condition. Before the construction of the levees on the Carondelet canal it was then subject to overflow, but the building of those levees excluded overflow from it.
Q. Has the land north of the Metairie Ridge, between the ridge and the lake, any value?
A. I think not.
Q. Did it ever have any value?
A. I think not.

Objection.—Mr. De Gray, solicitor for complainant, objects to the question and evidence in regard to the value of the land on the

ground that this witness is not an expert in the value of land, and there is not foundation shown for it.

By Mr. SANSUM, master: I overrule the objection.

Examination by Mr. HALL:

Q. Is that land which you have described as being between the Metairie Ridge and the lake habitable?

A. No, sir; it is overflowed at high tide.

Q. If the entire Bell system had been completed as pro-
1237 posed and entirely finished and the locks had been put in, would that land, in its character, have been changed from what it is now at present, from that fact simply?

A. Not with the protection levees and locks alone. No, sir; the drainage canals and pumps would have been required to better its condition.

Q. Then without the drainage canals, those interior drainage canals and pumps running through this system which you have described, the land would not have been changed from its present character?

A. No, sir.

Q. Did the Bell system of drainage contemplate the excavating of an interior system of canals with pumps in addition to the levees?

A. The details of the Bell interior system of canals I have not found. They did a great deal of work on canals. They excavated and cleaned a good deal of canals, but what they proposed to do I know nothing of; beyond the cleaning and excavating of those canals I know nothing of.

Q. Did the plans which you have examined indicate any intention of making those interior canals in that part of the city with the lines on canals laid out?

A. No, sir; not on any plan that I have ever seen. All the information I could get was about the cost and amount of work they did; that they made so many running feet of canal and dug so many feet.

Q. Are there any plans or papers indicating the intention of what they proposed to do?

A. There is nothing showing or indicating any intention
1238 of any work they intended to do on the interior system of canals necessary for drainage.

By the MASTER:

Q. Don't the plans of Mr. Bell show it?

A. They don't show that; the plans that he left relate to the protection levee and revetment along the lake shore.

Q. With nothing in relation to interior canals?

A. No, sir; the only knowledge I have of it is from statements made to me from time to time.

By Mr. HALL:

Q. Well, then, as I understand, under this system of levees contemplated by the Bell system would not change the character of the present condition of the land between the lake and ridge—that is, by the excavation of the canals contemplated, locks, and revetment levees—without the drainage machines and interior system of canals?

A. No, sir.

Cross-examination by Mr. DE GRAY, solicitor for the complainant:

Q. What is the rainfall in the city of New Orleans for a period of twelve months?

A. Sixty-two or sixty-three inches; that is about the average.

Q. You had estimated the cost of the protection levees or
1239 rather of the protection levee on the lake-shore front; at what price did you make your estimate or what was the price of excavation which entered into that computation?

A. I found a statement of work done at 50 cents per cubic yard, and the estimate I made was by taking the amount of work that had been done for so many dollars and prorating it with the work that was to be done according to the distance.

Q. You have made no estimate of what the actual cost would be to have completed this system of drainage, have you?

A. Well, in answer to that I will state the estimate that I testified to a few moments ago, that there was work on the protection levees undone to the extent of $2,123,000 and work undone on the interior canals to an unknown extent.

Q. How did you arrive at those figures?

A. I took the amount of work that had been done on the protection levees and the cost of same and prorated it with the work that was undone, for instance, so many running yards of canal that had been dug at such a cost, and I took the uncompleted work and prorated it according to the distance at the same price.

Q. Have you ever made any estimate or statement to show what the work could have been done for?

A. No, sir.

Q. You have no statement to show what the drainage could have been completed for, what would have been the cost to the city of New Orleans if she herself had run the dredge-boats or had let the work out by contract?

A. No, sir.

1240 Q. All your statements are based entirely upon what was paid for other works?

A. Yes, sir; 50 cents a cubic yard.

Q. Don't you know as a matter of fact that it was seriously complained of that the rate charged by the Mexican Gulf and Ship Canal Company was too high, and the object of the city of New Orleans was to buy out the company to get the rates cheaper?

A. Yes, sir; I think I know of that fact. The rates were regarded as excessive.

Q. What has been your experience in reference to digging canals with machinery and building levees; what is a fair price?

A. I should estimate work of that sort at 25 cents a yard.

Q. And in that estimate you would of course expect to be paid in cash and not in promises?

A. In cash, of course. I think that would be the amount for an engineer to make a safe and full estimate. To cover the work to be done I would put it at 25 cents, and I should expect to get it done for less.

Q. That would be the ordinary basis upon which a contractor would proceed, about 25 cents a yard cash?

A. Yes, sir; and under that estimate I should expect to be perfectly safe and have the work done for less.

Q. In making up the estimate of this protection levee and this revetment levee on the lake-shore front what details did you put in the cost of the construction?

A. Well, those were not clearly stated. I have not seen
1241 any clear statement of it, but I put in every item I could find relating to the earth-work and the wood-work of 2,100 feet that was done, making an aggregate for that of about $104,000.

Q. For 2,100 feet?

A. Yes, sir.

Q. When you deduct the cost of the wood-work and bridges and reduce it *to* simply to the earth-work that was done, how much did that cost them?

A. My recollection is out of this $104,000 the earth-work was about $58,000.

Q. And the wood-work was the balance?

A. Yes, sir.

Q. Did they pay 50 cents per cubic yard for all the canals and excavations that were made?

A. Well, I think I saw some memorandum at 37½c.

Q. You have a book in your office which gives a detail of every month's work?

A. No, sir.

Q. Haven't you got a book or leaves which show in there the number of cubic yards of earth dug by the Mexican Gulf & Ship Canal Company in doing this work?

A. No, sir.

Q. How much do you make the amount of the cost of the work that was done?

A. I aggregate the work done on the protection levee——

Q. I mean on all the work?

A. $2,229,724.59.

Q. That is the entire cost of the work?

1242 A. The work done. Yes, sir.

Q. The work done?

A. Yes, sir.

Q. Now, then, according to your statement there must have been drainage warrants issued?

A. I don't know anything about that.

Q. I call your attention to the fact that the returns already made show that you were in error to the extent of $320,000; otherwise the present statement is in error, and I ask you to explain the difference, if you can.

A. I can explain to this extent—that I went to the comptroller's office, after going to other places, and there I found the books containing the information on the subject. The statements I have given here was taken from those books.

Q. Don't the statement which you have taken from those books include the $320,000 of drainage warrants issued by the city of New Orleans in June, 1876, to buy up all the dredge-boats, machinery, &c., of the Mexican Gulf & Ship Canal Company?

A. The paper that I referred to had nothing to do with the warrants; it referred to cubic yards and the amounts, and I remember no item of $300,000 of certificates or warrants. The paper I had was a summing up of work, and I saw nothing injected in it of warrants. I recollect of nothing but the summing up of work done; not of so many warrants.

Admission.

1243 Respondents admit that in the statement made by the witness, Major, Harrod, of the total cost of the work done as ascertained by him upon an inspection of the comptroller's books, which amount is $2,229,724.59, is included the $320,000, being the amount of drainage certificates issued for the purchase of dredge-boats, &c., of the company and the payment of the City-park tax.

Q. You have never received or seen, I understand you to say, any detailed statement of the number of yards excavated or the number of yards of levee that were completed?

A. No, sir.

Q. Well, where did you see it?

A. I saw it in a book that I got from the comptroller's office.

Q. But isn't there in this office a book containing a monthly statement of each canal that was dug and each levee that was built?

A. I have never seen it.

Q. I will say to you that Mr. Brosnan, during the progress of this case, has furnished us, and we have it in evidence, a copy of that detailed work.

A. I have never seen it.

Q. Do you know of any bill book on file in the city surveyor's office showing such in detail?

A. I have never seen any book showing such a detail there. In fact, I spent two days in trying to get hold of the record.

Q. Look over this statement which purports to be a statement of

the city surveyor's office and say whether or not some
1244 of the work was paid for by far less than 50 cents on the dollar; for instance, look at this name.

(Witness looks at same.)

A. Yes, sir; that is less than fifty cents.

Q. How much less?

A. I noticed, as I said before, I believe, that in some cases I observe payments of 37½ cents.

Q. Some, in fact, was paid at 12½ cents?

A. The statement that I made those figures from was of the work done by the Mexican Gulf & Ship Canal Company from July 7, 1871, to May 23rd, 1876, and it gave a list of the canals, protection levee, with the cubic yards opposite it and money paid opposite; but the detail, such as this, I have never seen.

Q. The price in some places is 50 cents and in some places less?

A. The only rates I noticed was 50 cents and 37½ cents per yard.

Q. In the cost that you made up of what it would cost to complete this system is embraced the cost of the wood-work and all that would enter into the construction of the revetment levee for the unfinished part?

A. Yes, sir; to complete it, including 2,100 feet that had already been done.

Q. How much would it cost, in a round sum?

A. $1,004,000 and upwards.

Q. What proportion of that was that to the whole revetment levee that was to be completed?

1245 A. That — $\frac{4}{10}$ of a mile, and there was 4 miles and $\frac{6}{100}$ths of a mile to be completed.

Q. And how much would it all cost?

A. $1,459,000.61. The work to be done I put it at $1,056,200.47, prorating it at the same price between four-tenths of a mile and four miles and six-hundredths of a mile.

Q. There was 2,100 feet that was done?

A. Yes, sir.

Q. And how much to be done?

A. About ten times that or a little over, and that would make it cost $1,056,200.47.

Q. Suppose you deduct from that part to be completed the cost of the wood-work, what would the earth-work have cost?

A. I speak from recollection. My recollection is that out of $100,000 the earth-work is $58,000.

Q. Then it would cost $580,000, earth-work?

A. Yes, sir.

Q. Have you made any calculation for the cost of any drainage machine to be placed on the revetment levee?

A. No, sir; I have put an estimate for gates.

Q. How much were those?

A. There are shown on Mr. Bell's plan 11 gates, and I put those at $10,000 apiece; but it is not added to this sum of $1,056,200.47.

There is no specification of the gates that — could find, but they are shown to be masonry work—expensive masonry and iron.

Q. If the lake-shore front had been completed would there been any back-water or overflow from the People's avenue canal?

1246 A. No, sir; not if that had been completed.

Q. If it had been completed it would have protected that part of the city which is now subject to overflow by reason of the water coming from that canal now?

A. Yes, sir.

Q. Then you have not seen up to this time all the arrangements of the Bell system, and the specifications of the whole system you have been unable to find?

A. No, sir. In fact, I have never heard of any such paper being in existence.

Q. Well, it would hardly be expected that such a scheme would be entered upon without some detail?

A. It would hardly be expected. I expected to find it, but was unable to find it. I speak of the interior system of drainage.

Q. Is it not a fact that when you took charge of the surveyor's department you found it in great confusion?

A. Yes, sir.

Q. And there were a great many papers that were missing?

A. Yes, sir.

Q. And maps?

A. Yes, sir.

Q. Well, now, all this land to which you have referred as tide swamp and the low land between Claiborne street and the Metairie Ridge, in the neighborhood of Broad street, all that land is susceptible of being drained and protected?

A. Yes, sir.

1247 Q. And reduced to what is known as "dry land?"

A. It could be reclaimed. It could be protected from overflow and drained.

Q. And if it was, to what purpose would it be used? Is not the soil naturally rich?

A. Yes, sir.

Q. Would it be favorable, then, for agricultural purposes?

A. Yes, sir; any purpose.

Q. Is it not true that all the land, either on the inside or outside of the Metairie Ridge, is very rich alluvial land?

A. Yes, sir; but outside would need heavy clearing beyond the ridge. The most of it is opened, cleared, this side of ridge.

Q. Is it not what is known as virgin soil?

A. Inexhausted soil, virgin soil. I think that is what is meant by virgin soil.

Q. What is the fall between the river and the lake?

A. About 15½ feet.

Q. And what is the distance, going directly out Canal street?

A. About six miles.

Q. By going down by the new canal in a direct line?

A. It is approximately six miles on a line and the fall is about fifteen feet, not evenly distributed at all.

Q. Well, then, if there were a canal dug 65 feet wide and 15 feet deep inside of a protection levee, and then there were canals passing from the Mississippi river to the lake and running into this large reservoir canal on the inside of the protection levee, and the
1248 grade was so constructed that there was a gradual descent to the bottom of that sixteen-feet reservoir canal, what would the fall then be from the river to the bottom of that reservoir canal?

A. If that was dug fifteen feet deep what would be the fall?

Q. Yes; at high level on the bottom of the canal?

A. About 30 feet 6 inches.

Q. Now, if that reservoir canal was reconstructed and pumped, so that it was pumped down to its bottom, and the other canals running into it were kept in order, would not the natural flow of water through the canals to the reservoir at the junction be very rapid with a descent of 30 feet and six inches?

A. There would not be any such fall as that.

Q. Why not?

A. Because when the water in those canals would be up to the high-water mark in the river the canal down at the lake inside of the protection levee would not be empty.

Q. But suppose it was empty and kept pumped empty?

A. You couldn't hold that fall of thirty feet of water in a canal six miles long. It would never down.

Q. But would not the water through those canals running from the river to the lake have a very rapid flow?

A. Yes, sir.

Q. What is the present condition of the canals of the city of New Orleans?

A. Generally bad.

Q. Well, take the Galvez canal. Is it full or flush?

A. Yes, sir.

Q. Take the Poydras canal.

1249 A. That is in a bad condition.

Q. Is it bank full?

A. No, sir.

Q. How near bank full?

A. I suppose there is a deposit, say, of three or four feet.

Q. Take the Broad-street canal. What is the condition there?

A. Part of it is very good and part of it is very bad.

Q. When was it made very good?

A. I don't know. When it became very bad. I was over the part from Carondelet walk last week to Esplanade street, and I thought it needed about three feet of cleaning; beyond that I don't think it needed any cleaning.

Q. And when you first came in office?

A. It was just as it is now. It has not been cleaned since I have been in office. Beyond Esplanade street I don't — it requires any cleaning.

Q. How is Hagan-avenue canal?

A. It is in bad order.

Q. Do you know how deep Hagan-avenue canal was orginally dug?

A. I am not sure, but I think it was seven feet.

Q. Let me correct you; it was 17 feet. How is it now?

A. That is filled up in some places, I think, nearly to its surface.

Q. What is the condition of the Orleans canal?

A. Part of it is in first-rate condition and part of it is in bad condition and is under contract now to be cleaned.

1250 Q. How was it before that?

A. It was very full.

Q. And this one, the main drainage canal, running back of the drainage machine to the lake?

A. You speak of the tail-race; the tail-race is in a tolerable good condition for a New Orleans canal.

Q. Is it not the fact that about all the canals, with the exception of the Melpomene, now in existence was either dug or deepened by the Mexican Gulf Ship Canal Company?

A. I think they were, more or less; all them, I think, in the city.

Q. They did all the work that was done on the canals and the Upper protection levee—on canals principally?

A. Yes, sir.

Q. Orleans tail-race?

A. Yes, sir.

Q. The People's avenue canal—they dug that?

A. Yes, sir.

Q. And, as — understand, that the canals in the drainage system such as it is to-day were either dug, drained, or cleaned by this canal company?

A. Yes, sir; they dug some new canals and cleaned some old ones.

Q. You have a scheme of drainage now, I believe, which has been suggested to the council?

A. They called on me for a report and I made it.

Q. Does that plan contemplate the drainage of the lands
1251 this way from Metairie Ridge—the lowlands at Broad street and Hagan avenue?

A. Yes, sir.

Q. Would that reduce that land to such a condition so as to reclaim it?

A. Yes, sir; I think so.

Q. What effect would your system have upon the value of the lands if it was completed?

A. It would improve the value of the land if it succeeds.

Q. Have you any idea to what extent?

A. No, sir.

Q. Have you any idea what it would cost?

A. The estimate I made for draining simply was 960-odd thousand dollars.

Q. Is that independent of any machinery?

A. That would include machinery.
Q. Would that include protection from overflows also?
A. Yes, sir.
Q. At what rate per cubic yard did you make estimation?
A. 25 cents.

Redirect examination by Mr. HALL:

Q. Mr. De Gray asked you a compound question, composed of two parts, one of which he asked was whether you had any
1252 knowledge or general understanding of the people here; was that 50 cents a cubic yard *was* an extravagant charge, and whether you knew the motive of the city of New Orleans in buying that plan from the company. Did you understand anything of the motive of the city of New Orleans which induced them in buying that plan?
A. No, sir.
Q. In the estimate which you have made of work done by the Ship Island Canal Co., you don't include the cost of drainage machines which would have been needed in completing the work?
A. No, sir.
Q. Does that include the cost of locks?
A. Yes, sir. I put 11 of them at $10,000 apiece.
Q. You were asked in regard to the cost of simply the revetment levee along the lake, without the wood-work. Now, how long that earth would stand without the wood-work on the protection levee?

Objection.—Mr. De Gray, solicitor for the complainant, objects to the question on the ground that the contract with the Mexican Gulf Ship Canal Company was a contract simply for handling the earth and digging canals and with the earth to build levees. Whether it required any other operation or not or how long the levee would last is not a matter of — that concerns the contractor.

By the MASTER: I overrule the objection

1253 A. The revetment that was put there was washed away in five years. The first storm that would come up against the earth without revetment would loosen it, so that the next fresh sea that would come on it from the north would eat right into it. It would not stand with the earth alone.
Q. In estimating your scheme of drainage at 960-odd thousand dollars, would it reach the rear as the Bell plan did?
A. No, sir; simply as far as the Metairie Ridge.
Q. Mr. De Gray stated, in asking you about the depth of the Hagan avenue canal, that it was dug seventeen feet in depth. Would not that take it below the level of the lake?
A. I don't think the soundings in Lake Pontchartrain are above that. I don't think it is more than 15 or 16 feet.
Q. Well, if the excavation of the Hagan avenue canal was seventeen feet in depth and the general elevation of the soil considered, would not the bottom of these canals go further than the bottom of the lake?

A. Yes, sir. The land at Hagan avenue is below the mean surface of the lake now.

Q. Then Hagan avenue canal, being dug 17 feet deep, would be deeper than the bottom of the lake?

A. The bottom of the canal would be deeper than the bottom of the lake.

Q. Would there be any purpose in making a drainage canal of that depth?

A. I should not regard it as useful with such a depth as that.

1254 Q. When you estimated the cost of excavation and building levees at 25 cents per cubic yard, would that be a fair estimate for work done on the levee where the work is exposed to storms, or is the estimate based upon excavations made on the internal canals?

A. The earth-work would have to be protected by revetment.

Q. Well, what would be a fair estimate for doing work of that kind?

A. The earth-work could be done as cheap along the lake shore as anywhere else, but it could not stand there. While that earth was being thrown up the storm would come and throw it down, and it would have to be repeated at twenty-five cents a yard.

Q. If the earth-work was not protected it would have to be done over and over again, and therefore the wood-work would be necessary to keep it up?

A. Yes, sir. The wood-work would be necessary.

Q. At the time the work was said to have been done, what would be the actual cost or the true and safe calculation for building that revetment levee in the manner indicated upon Bell's plan?

Objection.—Mr. De Gray, solicitor for complainants, objects to the question on the ground that the answer to the question cannot serve to solve any of the issues involved in this case. Whether the price was a big one or a small one is not at issue, because the price was fixed by the contract, and the only question is what is due

1255 under the contract.

By the MASTER: I overrule the objection.

A. I think the excavating of that work could be done for 25 cents a yard and the grading and surfacing could be done for 10 cents, instead of $1.00.

Q. What would the wood-work cost?

A. I can't say.

Q. Without making an estimation?

A. No, sir. I know that it was washed away five years after and a better revetment levee was put there in 1878 for $32,000, and it has been there ever since 1878.

NOTE.—At this stage of the examination the same was adjourned until to-morrow, Friday, February 1, at half past nine o'clock a. m., at this office. Signature of witness waived.

January 29th, 1889.

(Signed) O. B. SANSUM, *Master.*

1256 Circuit Court of the United States for the Eastern District of Louisiana. In Equity.

JAMES W. PEAKE
vs.
THE CITY OF NEW ORLEANS. } No. 11614.

Testimony taken on the 1st day of February, 1889, on the part of respondents in the above entitled and numbered cause, before O. B. Sansum, Esq., a master of this court, at his office, No. 52 Camp St., New Orleans, La.

Appearances: R. De Gray, Esq., solicitor for complainant; Carleton Hunt, White & Saunders, H. H. Hall, Esqs., solicitors for respondents.

Index.

L. J. Fremaux ..... Page 1
Nicholas J. Hoey ..... " 5

1257 Witness, L. J. FREMEAUX, recalled and examined as a witness on the part of respondents by Mr. SAUNDERS:

Q. You have testified in this case before, I believe?
A. Yes, sir.
Q. You have been connected with the surveying department of the city of New Orleans for what length of time?
A. Since 1869, sir, off and on.
Q. You have been a surveyor all your life, haven't you?
A. Yes, sir.

Defendants, through Mr. E. D. Saunders, their solicitor, produced a map, which is now marked "O. B. S., master, February 1, 1889."

Q. Did you prepare that map, Mr. Fremeaux?
A. Yes, sir. I took it from a certified copy in the office.
Q. What do the numbered squares on this map indicate?
A. They were taken from a book furnished to me by you.
Q. Well, was it from one book or several?
A. Five books containing the different squares.
Q. Are those the five books from which you got the number of squares?
A. Yes, sir.

(Witness refers to the book marked "O. B. S. XX, April 11, 1888," containing a list of individual debtors to the drainage-
1258 tax fund.)

Q. Then this map was prepared from this list of taxpayers?
A. The numbers I found in there I located on this map to the best of my judgment, but in a good many places I did not know on which side of the street it was on, and some of them are repeated in

one district or other, but all the numbers I found in the books are on that map.

Q. Every number that is given in these five books is contained on this map, then?

A. Yes, sir.

Q. The map is correct?

A. It is copied from the official city map; it is traced from it.

Offer of Map.

Mr. Saunders, solicitor for defendants, offers in evidence the map referred to by witness in connection with the evidence of the witness.

Q. What are those figures in red on the map?

A. The drainage districts, first, second, third, and fourth drainage districts, and the boundaries are marked in red, of the districts?

Q. What is this blue straight line running down here?

A. A canal, sir.

Q. What canal?

A. Orleans canal.

Q. What is this part here in blue and red; what is that line?

1259 A. That is the new canal; it is called the New Orleans canal.

Q. It is known as the new canal?

A. New Orleans or new canal.

Q. Where is the upper protection canal?

A. I will mark it.

(Witness marks the same.)

Q. The streets that are named on this map are correctly named?

A. Yes, sir.

Q. And the bayous and canals?

A. Yes, sir.

Q. Could you take a pencil and mark the outline of the Metairie Ridge on this map, with dotted lines?

(Witness makes the dotted lines to indicate the same on the east side of Bayou Gentilly.)

A. On the westward or west side of the bayou it takes the name of Bayou Metairie on this ridge and joins the river above the city.

Q. How wide is the Metairie Ridge on each side of the bayou?

A. Not over a quarter of a mile, making half a mile with the two sides together.

Q. That is the slope of the Metairie Ridge on either side of the bayou?

A. Yes, sir.

Q. In what direction does it slope?

1260 A. It slopes both ways; the apex of it is on the canal or a little above; the bayou is on the top of it.

Q. The slope is on either side and falls in the swamp on either side?

A. I can say it does fall in the swamp on either side.

Q. About what distance from the bayou?
A. About one-quarter of a mile.

Cross-examination by Mr. DE GRAY:

Q. This map which you have presented here is not a copy of the map of the city of New Orleans, is it?
A. Yes, sir. It is a tracing of our official map; the one we take all our notes from.
Q. But it seems to me that you have left out a portion of it; for instance, up here in the upper portion of the city, around Carrollton, and down here.
A. Well, I did not know that that portion was to be put in this map, but it can be filled in.

(At this juncture of the examination of the witness Mr. Saunders, solicitor for defendants, stated that the map would be fully completed, and when the same was finished the witness would be brought back and examined in regard to it.)

Signature of witness waived.
(Signed) O. B. SANSUM, *Master.*

1261 Witness, NICHOLAS J. HOEY, being duly sworn as a witness and examined for defendants by Mr. SAUNDERS:

Q. Where were you born?
A. In New Orleans.
—. How old are you?
A. I was born in 1836.
Q. What has been your business?
A. Auctioneer and real estate agent.
Q. How long have you been engaged in that business?
A. Since 1851.
Q. You are familiar with the value and locations of the property of this city, I believe.
A. Yes, sir.
Q. In your business as auctioneer and real estate agent you have had occasion, I presume, to sell and rent property all over the city.
A. Yes, sir.
Q. Are you familiar with the city maps?
A. I am.
Q. And I suppose you are familiar with the character of the lands in the different portions of the city?
A. I am, sir.
Q. Along the Metairie Ridge, northeast of the fair grounds and within the said limits, is that property rural or urban—that is, is it laid out in lots or used by squatters or for other purposes
1262 or by agriculturists?
A. There are detached portions of it used as urban property, but the main part of it is entirely rural or suburb.
Q. Is the property out there sold by the acre, lot, or square?
A. From the subdivisions, the original subdivisions, of the land

until you proceed down below Hopkins' place it is always recited as lots and squares; but, nevertheless, it is used in a rural manner.

Q. And for what purpose is the land out there used?

A. Dairies and gardens.

Q. Now, about how much per acre is cultivable land along the Metairie Ridge worth?

A. From what point?

Q. Well, say from the point we were speaking about.

A. From the fair grounds out to People's avenue canal there would be quite a variation. I would have to strike an average from the fair grounds, or ridge immediately at the fair grounds. It is somewhat better, and between that and the Pontchartrain railroad it decreases very much in value. At the Hopkins plantation the land is higher again, and between that and the People's avenue canal it decreases again—the valuation diminishes. There is quite much of a slope or ascent and descent.

Q. Where is the Pontchartrain railroad you refer to—on what street?

A. Elysian Fields, continueing from the river down below the town of Milneburg.

1263 Q. Where is the Hopkins plantation you have spoken of?

A. On the east side—on both sides of Bayou Gentilly; on each side of Elysian Fields and up.

Q. What is the cultivable land on an average worth along Metairie Ridge per acre?

A. The cultivable land?

Q. Yes; and the habitable land.

By the MASTER: Do you mean by your question, Mr. Saunders, the land which is under cultivation or might be cultivated?

Q. What proportion of land along the Metairie Ridge that is susceptible of cultivation is actually cultivated or used for gardening?

A. Very little now, sir.

Q. Well, how much?

A. Not twenty per cent. of it.

By Mr. DE GRAY:

Q. Well, was it ever cultivated? You say now.

A. Yes, sir; perhaps twice as much was cultivated in the past twenty-five or thirty years.

Direct examination resumed by Mr. SAUNDERS:

1264 Q. From your knowledge of that locality what do you estimate the value per acre of lands out there that are susceptible of cultivation?

A. I put it at $50 per acre.

Q. What is the value of the lands north of the Bayou Gentilly and between that and Lake Pontchartrain?

A. There is no value to it at all.

Q. It has no value?

A. No, sir.

Q. What is the character of the land?

A. Swamp.

Q. The land I refer to is the land on this map extending between Bayou St. John on the west, People's-avenue canal on the east, Lake Pontchartrain on the north, and the Metairie — on the south. You say that land has no value?

A. Yes, sir; with the exception of the cultivable portion bordering Gentilly.

Q. That portion you have estimated at $50 per acre?

A. Yes, sir; and with the exception also of the urban property surrounding Bayou St. John and surrounding Milneburg, on the lake, the balance, I hold, is worthless.

Q. What amount of property is there at Milneburg that has any value?

A. A dozen squares altogether that represents some value.

Q. What value do you suppose those squares have?

A. You mean the buildings?

Q. And the ground.

1265 A. Just as they are, the buildings and all, it would take me but a moment to state that, because I know it very well. I should take as an outside value about $60,000.

Q. The whole of Milneburg?

A. Yes, sir; one dozen squares.

Q. The whole of Milneburg?

A. Yes, sir.

Q. One dozen squares?

A. Yes, sir.

Q. Spanish Fort is situated at the end of Bayou St. John. Look at those squares and tell me what value they have, No. 1565.

A. None at all.

Q. Indicate the squares at Spanish Fort or at the mouth of Bayou St. John that have any value.

A. I see that the streets on this map are not named there. The lake route is not put there.

Q. Well, how many squares do you suppose have any value there?

A. I would extend it to an area of 10 squares there that have a value.

Q. And what would you consider the average value of those squares to be?

A. Including the Fort? Well, that puzzles me more than Milneburg.

Q. Well, the ten squares outside of the Fort.

A. Well, the average value of those squares would not reach $400 a square.

1266 Q. Will you look again on that map here and tell me what is the character of the land included between Metairie Ridge on the north and continuation of Claiborne street on the southeast, People's avenue canal on the east, Marigny avenue on the southwest? What is the value of that land?

A. There is a slight belt running on both sides of Marigny avenue

and Elysian Fields avenue that has some value, but the most of the interior portion is worthless.

Q. How many squares do you suppose there are there that have any value?

A. I would say this: That the value might be considered to obtain from the belt of two squares along Elysian Fields, Marigny avenue, and extending up towards Bayou Gentilly.

Q. How many squares do you suppose there are that have any value?

A. I will say this: That three-quarters of the triangle comprised by Marigny avenue, Gentilly, and Elysian Fields—three-quarters of it have some commercial value.

Q. About how much commercial value have they? What is the value of the squares out there? What would they average?

A. About a mill a square foot.

Q. What is the value of the land contained in the irregular quadrilateral between Gentilly road, People's avenue, and the continuation of Claiborne street and Elysian Fields St.?

A. About ½ of that area is worthless.

Q. What is the value of the other half?

1267 A. One-half of the remainder is worth about one mill a square foot, and I would say that the other half would be worth as much as $50 per acre. There is very little difference between them.

Q. What is the value contained in the triangle bounded by People's avenue, Florida Walk, and the continuation of Claiborne street?

A. It has no value at all.

Q. That is a swamp, ain't it?

A. No; it is not a swamp exactly.

Q. Well, what is it?

A. It is a chaparal. The timber has been hewn, and it has had its second and third growth of timber.

Q. Is it above or below high-water mark.

A. It is below. It is below high-water mark of the lake; far below.

Q. Will you look at the lands contained in the quadrilateral bounded by Lafayette avenue on the west, Florida Walk on the north, Ursulines convent on the east, and St. David street on the south? It is marked St. David street on the map, and you can call that Claiborne street. What is the value of the land contained in that quadrilateral?

A. I think that about one-eighth of that has a commercial value of, say, three hundred dollars a square.

Q. And the balance of it?

A. The balance of it I consider worthless.

By Mr. SANSUM, master:

1268 Q. How many acres are there to a square?

A. There are generally two acres to the square.

By Mr. SAUNDERS:

Q. What is the value of that irregular piece of land bounded by Florida Walk on the north, Fishermen's Avenue canal on the east, the United States barracks on the south, and Claiborne street?

A. There is no value to that land.

Q. Look at this piece of land. Here is a quadrilateral in the fourth drainage district, bounded by Howell's property on the west, Claiborne street on the north, the United States Hospital on the east, the Good Children street on the south. What is the value of that land?

A. There is about twenty-five squares laid out there, including the slaughter-house property.

Q. No; without that.

A. I think I would put them at a high average when I put the 25 squares at $400 a square.

Q. Do you think they would bring that at a forced sale?

A. I am giving you the top of the market on it, because that is a garden district.

By Mr. DE GRAY:

Q. And the land is under cultivation?

A. Yes, sir; it is; a great deal of it.

1269 Q. About $400 a square would be the value of good gardening property or land in that locality?

A. Yes, sir.

By Mr. SAUNDERS:

Q. What is the value that you put upon this piece of land — by Florida Walk on the north, Stoddard Howell's property on the east, Claiborne street on the south, and Ursulines convent on the west?

A. It is not laid out in squares. I consider it worthless.

Q. What is the value of the land east of Stoddard Howell's property, north of Claiborne street?

A. I don't consider it of any value.

Q. What do you consider the value of the Ursulines convent property, north of Claiborne street and towards the swamps?

A. Well, that has some value, because they have paid more attention to it than the surrounding gardeners.

Q. That portion beyond Claiborne street?

A. I would not put it down at more than some of those lands above. I put it down for a short distance from Claiborne street. They go back to Florida Walk, don't they?

A. Yes.

Q. They don't go beyond it?

A. No.

A. Well, I will put it down at a half a mill per square foot.

1270 Q. For the whole of it?

A. Yes, sir.

Q. And that land contained between Lafayette avenue on the west, Claiborne street on the north, Ursulines convent property on

the east, and Good Children or St. Claude street on the south, what is the value of that?

A. That is all city property; that is all built on.

Q. Are you sure of that?

A. The greater portion of it is.

Q. That is city property?

A. Yes, sir.

By Mr. DE GRAY:

Q. Well, that has a value?

A. Yes; there are buildings on it, and all that sort of things. It is not presumed that I should set a value on that without going to examine the different species of property.

By Mr. SAUNDERS:

Q. Do you know how far back it is built?

A. It is built as far back as Claiborne street.

Q. How far eastward does it run—to Lafayette avenue?

A. Yes, sir.

Q. Now, let us go back to the third drainage district again. What is the value of the property contained in the space be-

1271 tween Florida Walk on the north, Lafayette avenue on the east—say for six squares south of Flordia avenue?

A. There is no value to it.

Q. It contains the squares numbering from 1061 to 1067 on the south line and 1487 to 1497 on the north line?

A. Yes, sir.

Q. What is the character of the land on property south of the portion we have just mentioned, bounded on the north by that piece, on the east by Lafayette avenue, on the south by Claiborne, and on the west by Elysian Fields?

A. I should say that there was one-quarter of that worth $300 per square—say $300 per square—and the remainder of it is worthless.

Q. Would that be the valuation of the property along Elysian Fields and Claiborne streets?

A. That is the portion I reserved. That is the portion I gave a value to, between Elysian Fields, and the portion along Lafayette avenue I don't consider of any value.

Q. I now call your attention to another tract of land in the third district, bounded by Marigny avenue on the north, Metairie Ridge on the northwest, St. Bernard avenue on the west, and bounded on the south, say, by a line running along the four *line of* squares from the junction of Marigny avenue and Elysian Fields street, containing the squares from No. 1200 to 1209.

A. I consider one-third of that property as worth about $500 a square, and the other two-thirds is worth about $300.

Q. What is the value that you put upon this piece of ground

1272 bounded on the west by Bayou St. John, on the north by Marigny avenue, on the east by Bayou Gentilly and the Metairie Ridge?

A. I hold that to be worth nothing.

Q. What is the value of the land bounded on the east by the Bayou St. John, on the south by the Metairie Ridge, on the west by the Orleans tail-race, and extending north as far as they are numbered on this map?

A. From the ridge?

Q. Yes, sir.

A. Well, there you have the Allard plantation. That is on the books of the assessment. You have the City park, and that has some value.

Q. How high is that land back here?

A. It runs back there, you see.

Q. I am asking you of that portion. What is the value of that part of the Allard place from the dotted lines on this map which represents the boundary of Metairie Ridge?

A. I don't think the dotted lines on this map goes back far enough. The dotted lines should go back three or four squares further.

Q. How wide is the Metairie Ridge there?

A. Eight or ten squares fully. He has the dotted lines on this map that takes in only two squares.

Q. How wide does the Metairie Ridge extend on the north side of Bayou Sauvage—how many squares?

A. I should say that it extends fully four hundred yards; that would be four squares without the intervening streets, which
1273 which would then make it 3 squares, taking out the streets. I am satisfied that it extends a distance of four squares or 400 yards.

Q. Now, then, when you get into the swamp north of Bayou Sauvage, at the distance you estimated of four hundred yards, what is the value of the land beyond that?

A. It has no value at all.

Q. Now, here is Monroe avenue.

A. That is four squares from Bayou Sauvage.

Q. Do you recollect where it is?

A. Yes, sir. I think you can limit that; you can put the Monroe-avenue property on a limit.

Q. Is the southern limit of that property worth anything?

A. The northern limit of that property is worth something; the southern limit I consider worthless.

Q. Is that the valuation for all of the land between the New canal and Bayou St. John?

A. Yes, sir.

Q. What is the value of the land between Monroe avenue and Bayou Sauvage or Metaire Ridge, the average value of those lands that would bring us up to the cemeteries?

A. East of the cemeteries the value is very apportionate. I will put an average on it, say, a mill to the square foot.

Q. Now, on the land bounded on the north by Monroe avenue, on the east by Bayou St. John, on the west by the New canal, and on the south by the Metarie Ridge—what would you value that at?

A. The cemeteries are included in that, and I can't say anything about that. I am no expert in valuing cemetery property.

1274 Q. About how many squares do the cemeteries cover?

A. I will have to give it to you very roughly.

By Mr. SANSUM, master:

Q. Do the best you can.

A. Yes, sir.

By Mr. SAUNDERS:

Q. Well, about how many?

A. I should say about forty squares.

Q. And the balance of the area you estimate at one mill a square foot?

A. Yes, sir.

Q. You don't put any valuation on the cemeteries at all?

A. No, sir.

Q. There is another tract of land that I want to call your attention to; it is bounded on the north by the Metairie Ridge, on the east by the Orleans canal or tail-race, on the south by Carondelet-avenue canal, and on the west by the new canal; what valuation do you put on that ground?

A. That is all on the assessment-roll.

By Mr. DE GRAY:

Q. Strike an average on it?

A. Canal street runs through it; it varies much. The shell road goes through it.

1275 By Mr. SAUNDERS:

Q. What would you value those squares?

A. Some of those squares are worth from ten to twelve hundred dollars per square, and others are not worth more than two or three hundred dollars.

Q. What is the value of the squares on Canal street?

A. Those I rate as high as $1,200 a square.

Q. What is the value of the squares—say, two or three squares from Canal street back towards the new canal?

A. Between $200 and $300 a square.

Q. What is the value of the square or property 2 or 3 squares north of Canal street?

A. They go back in like proportion as they approach the Orleans tail-race, and they acquire, perhaps, a slighter value as they approach the Metairie Ridge on the west.

Q. How many squares do you estimate to be of the value of $200 or $300 in this area bounded by Canal street, Carondelet avenue, and the new canal?

A. About twenty of them I would put at the least valuation.

Q. What valuation?

A. From $200 to $300—that is, the interior 20 sqs.

Q. How many are there on the north side of Canal street and be-

tween that and the Orleans canal that you would put at from $200 to $300 per square?

A. No more than the like number.

Q. What is the value of the lands south of Canal street
1276 and between Carondelet avenue canal, Hagan avenue canal, and the new canal?

A. The Canal street fronts are entirely in the assessment records; nearly the whole of that is built on; there is a great deal of it on Common street; the interior squares, I don't suppose that to be worth any more or as much, and I would put them at about $200 a square as an outside limit.

Q. How many squares in that area do you estimate as low as $200?

A. 25 squares.

Q. What is the value of the interior squares?

A. That is the limited price.

Q. The squares in the area bounded by Hagan avenue canal, Canal street, Broad street, and the new canal, what value do you place on those squares?

A. You are getting right into the assessment district.

Q. You know the character of the country there?

A. Yes, sir; I have property for sale there now.

Q. What would be a fair average on that property? I am not speaking of the city property, but the interior; put an average on it.

A. The squares off of Canal street I would average them as high as $500, and on Canal street they would reach fully up to from $1,200 to $1,500.

Q. What are they worth on and near the new canal, from Broad street to Hagan avenue canal, still following that line?

A. I would not put them at more than $100 more than those I have just valued in the interior. I would value them at $600.

1277 Q. Now, say, in the second drainage district, what is the value of the property bounded by the westward and northward line in the second drainage district on this map of the new canal, the line of squares indicated by the numbers 495, 618, and 616?

A. You want it in a round sum for those squares?

Q. Yes.

A. $250 for those squares, each.

Q. When you use the word "square" what dimensions do you understand them to be—about how many feet?

A. 300 to 320 feet; some more and some less.

(Witness, being referred to the second drainage district, states that it was all taxable property up to Claiborne street; beyond that it is speculative property.)

By Mr. De Gray:

Q. What do you call speculative property?

A. That portion beyond Claiborne street, along Washington street, in the territory I have described, is of a speculative value. I would place a value on the land at from $200 to $250 per square.

Q. The area that you have been speaking of has a speculative value? Now, what is the value of the squares off of Washington street?

A. I would not put them at more than $100 per share.

Q. What area is that on the boundaries of this map?

A. On Galvez street, within two squares of Carrollton avenue,

1278 six squares from Claiborne street.

Q. That is in the second drainage district, six squares west of Claiborne street, all included in this map, between Galvez street?

A. Yes, sir.

—. Six squares from Claiborne street and Toledano street, from the New canal you consider to be of what value?

A. I say the interior portion has a value of not more than $100 and on Washington street $250.

Cross-examination by Mr. DE GRAY:

Q. Well, now, Mr. Hoey, I want to see if you can condense this matter so as to make it intelligible. Is not the result of your explanation that you have thus far given that all the lands outside of those which you have described as of no value is valuable lands?

A. Yes, sir.

Q. How is the present valuation of lands; how does it compare in the city of New Orleans with the valuation of the lands at the end of the war, or, say, the years 1870 or 1871—is it higher or lower?

A. You mean taking it generally?

Q. Well, yes.

A. It is far lower.

Q. What date would you regard as the date of the highest point of value of lands?

A. In the spring of 1867.

1279 Q. And then it decreased?

A. Yes, sir.

Q. Take from 1870, 1871, and 1872, has it been decreasing since?

A. It decreased from 1872 up to 1878 to an alarming degree.

Q. What percentage did it decrease? I am not speaking of city property, but of lands; we are speaking of lands in the territory of New Orleans.

A. I can't make such a statement as that as a whole; suburban lands are a different thing.

Q. Well, what do you say of that?

A. The decrease has been fully 75 per cent.

Q. Since the year 1867?

A. Since 1867 up to 1877 and 1878.

Q. What has been the decrease in suburban lands since 1871 or 1872?

A. Fully that, sir; not from the low point of that date; I should say about 50 per cent. from the low point of that date. There has been a gradual decrease since 1867.

Q. But from 1871 and 1872 up to 1877 and 1878?

A. They were not regarded as of any value at all then.

By Mr. SAUNDERS:

Q. You mean in regard to the suburban lands?
A. Yes, sir.

1280 Cross-examination resumed by Mr. DE GRAY:

Q. How does the value compare to-day with the value of 1871 and 1872; is it not all less?
A. Yes, sir; the value to-day is not more than about 30 per cent. of what it was then.
Q. From 1871 and 1872?
A. Yes, sir. I will take that back and say up to 1870.
Q. But I am talking of from 1871.
A. 1871 and 1872, call it nothing; they were of no value.
Q. My question is, how does the value of the suburban lands now compare with the value of the lands in 1871 and 1872?
A. They haven't depreciated in value from 1871 and 1872.

Br Mr. SANSUM, master:

Q. As I understand, they are worth as much to-day as they were worth then?
A. In 1871 and 1872; yes, sir.

Cross-examination resumed by Mr. DE GRAY:

Q. You are acquainted with Mr. George L. Bright's property, the Oakland course?
A. Yes, sir.
Q. You know that property?
A. Yes, sir.
1281 Q. What was the value of that piece of property in 1871 and 1872?
A. I don't think I could put a value on it.
Q. Take the value in 1867.
A. I suppose that property then would be considered to be worth from $50,000 to $60,000.
Q. And between 1867 and 1872 it depreciated to nothing?
A. I don't say it depreciated to nothing, but it had no market. The depreciation was so marked as not to give me any guide to put a valuation on it.
Q. What is the value of that property now?
A. Well, I should say it would be worth now about $20,000.
Q. Do yon know what the Howard cemetery people paid for the Metairie race-course?
A. No, sir; I do not.
Q. Do you remember when they bought it?
A. I would not like to be precise about that.
Q. It was about 1871 or 1872—along there?
A. Yes, sir; somewhere along there.
Q. What is the character of the land you have described as being of no value in this map? Is it not land that is undrained and sub-

ject to overflow—not cleared; also subject to the waters flooding up onto it from the lake?

A. Yes, sir.

Q. Are not those the elements that render it valueless?

A. Not entirely.

Q. Well, how are they affected?

1282 A. There is no communication with those lands.

Q. How does the rainfall and the overflow from the lake affect the lands?

A. That depreciates its value.

Q. That not only covers it with water, but prevents access to it?

A. Yes, sir; and shuts off communication.

Q. Now, suppose this case—suppose that land was all drained and protected; for instance, in Holland there are great portions of land—I have been informed through my readings that some part of that country was under water entirely, and dykes have been built around it, and the land shore being drained and rendered valuable; suppose there was a system of that description that surrounded this property, and it was drained and protected from overflow and communication was rendered easy between the various portions, and access to it was made easy, would or not this land then become valuable and be valuable?

A. I answer immediately the lands would become valuable.

Q. The land naturally is a rich land; the soil is rich, isn't —?

A. Yes, sir.

Q. It is a virgin soil and inexhaustive soil, which has not been cultivated—not much of it?

A. It is rich soil.

Q. Have you ever been over any of the land?

A. Yes, sir; I have been over nearly the whole of it.

Q. You know it from a personal examination?

1283 A. Yes, sir.

Q. Do you know what the cactus is or the species of cactus that grows on this land—did you ever see it?

A. I don't know of any cactus growing on it; there is what is called the palm leaf or latanié.

Q. On all this land which you have described there grows a plant called latanié?

A. Yes, sir. I don't suppose there is any part of it where there is any missing on it.

Q. And that is always found upon rich soil?

A. Rich in some respects; it is good for snipe, I know. I don't really know about that. I am not enough of an agriculturist to state that the latanié plant is any indication of rich land.

Q. Do you know where the station called Frenier is, on the Jackson railroad?

A. Yes, sir; I do.

Q. The next station is De Sair and the next this way, nearest New Orleans, is La Branch, and the next is Kenner?

A. Yes, sir.

Q. Do you know whether or not there has been a considerable

settlement along the line of the railroad there at these various stations I have mentioned?

A. Yes, sir; there was at one time a great settlement.

Q. What is the business of the people at those places, generally?

A. I never stopped there. I was a passer-by. I had no
1284 interest with them, but I know they are gardeners.

Q. I will ask you if you know what the value of the lands are in that locality for gardening purposes?

A. I do not. I never sold any land there and I never had anybody applying to me for any.

Q. Not any one?

A. No, sir.

Q. What is the character of the lands there as compared with the land in the rear of the city here; is it not now similar low land—alluvial land?

A. I think the cultivable lands around Frenier had never been cleared; that there were less stumps in it; it is the same class of land but easier worked. I think there were some plains in it.

By the MASTER:

Q. More like a prairie, then?

A. Yes, sir.

Cross-examination resumed by Mr. DE GRAY:

Q. Have they not drained their lands considerably there; each man for himself altogether—each man for himself?

A. That was my last observation. I don't know what is to-day.

Q. Those were rich lands for gardening purposes?

1285 A. Yes, sir.

Q. And the general character of the land is similar to the general character of the lands in the rear of the city?

A. Yes, sir.

Q. Suppose this land was all drained and protected; that there was a system devised which would drain and protect all of this land in the rear portion of the city of New Orleans and surroundings on the lake, so as to make it habitable and capable of cultivation and for gardening purposes, what, in your judgment, would be the value of such lands?

A. I really can't answer that. I can answer that by simply saying that it would attract population at once, and in the course of time those lands would assume a value commensurate with their immense benefit to the city and would increase greatly in value instead of laying in waste, as it has been for the last twenty or thirty-odd years. I could say this: That if those lands around there were well drained and protected they would easily retain a working population of a hundred thousand and still not be crowded. If such a matter as that could be obtained you could get $1,500 per acre for it, but it would require some time for that and with a great deal of assurance that these same calamities would not happen again.

Q. In Holland they have such protection there where they have

a wash from the sea. The water comes from the sea and they have had no difficulty in taking care of it?

A. Yes, sir; they may be colonial people, and they are like crabs on a rock and not like the people here, who would get up and
1286 git. Hollanders are fixtures.

Q. Suppose that all of that land was drained and protected, would not the entire lake-shore front be desirable for summer residence property a great deal more so than it is now?

A. Now there are none.

Q. Now there is nobody there, but suppose that was all protected and drained or dry land, with streets laid out, made, and formed so that access was made easy, what then?

A. I should say that it would then be a very good place for summer residences.

Redirect examination by Mr. SAUNDERS:

Q. Mr De Gray has been examining you as to the possible value of the lands in the back portion of the city for agricultural and gardening purposes as if the lands in the city of New Orleans were drained. Now, can you tell us whether all the lands in the rear of the city suitable for gardening purposes have been taken up for this purpose?

A. Yes, sir; all that is suitable for that purpose in its present existing condition has been taken up.

Q. Well, has all the land suitable for this purpose been taken up along the Metairie Ridge?

A. Yes, sir.

Q. Do you know if all the lands suitable for those purposes immediately below the city of N. O. have been taken up?

Ans. Yes, sir.

Q. Are you sure of that?

1287 A. All that are suitable under the present existing condition.

Q. I am speaking about the lands below the city of New Orleans—below the barracks?

A. Oh, I can't tell you about the Terre aux Bœufs lands. I know it was a great vegetable and sugar country, potatoes.

Q. You don't know about that?

A. No, sir; it has been many years since I have been down at St. Bernard. All the squares down in the lower part of the city which could be used for gardening purposes are now enclosed and used for gardens. I know that wherever I have them for sale or rent they are of such a nature from communication and other reasons so as to attract those people, and they will center there and use and cultivate them.

By the MASTER:

Q. You mean they are in demand?

A. Yes, sir.

Recross-examination by Mr. DE GRAY:

Q. You say you rent some squares for gardening purposes. Now, what do they rent for per square?

A. I spoke of the renting business as incidental. I don't suppose I have had more than 2 or 3 such cases as that.

Q. What do they rent for?

1288 A. About $5.00 per acre per annum.

Q. How high have you sold any squares that have been used for gardening purposes?

A. The whole of my testimony has been based upon sales.

Q. Take a large tract and give an average. I ask you how high you have sold them; what has been the highest price?

A. For a square?

Q. Yes.

A. About $400.

Q. In gardening districts?

A. Yes, sir; of course; out on the Metairie Ridge or the Gentilly road, where there is a place of an arpent or two front and about eight or ten in depth—that is to say, about 20 arpents or so—the price would decrease materially if there was a lack of communication.

Q. The price of all lands largely depend on the facility of communication?

A. Yes, sir.

Q. The better and more easy the communication the higher the value?

A. Yes, sir.

Q. And where that communication is good the prices have been as high as $400 per square?

A. Yes, sir.

Q. If the communication was good they are generally good, judging from the fact that you have already stated that $200 to $400 a square to be a fair price for all lands suitable for agri-

1289 cultural purposes and for gardening purposes?

A. Well, if the conditions were alike, of course.

Q. Yes?

A. Yes, sir.

Q. I find by examination of titles of sale that suburban lands sold in 1871 and 1872 very much higher than they do at present. Now, is not that a fact?

A. Not in many cases; not very many cases.

Q. Was it not generally so?

A. No, sir.

Q. When you take the land along Broad street and Hagan avenue didn't it sell a great deal higher in 1872 than it dees now?

A. Well, in 1872. I told you about the commencement of 1872 about that perfect blank. There was a perfect blank from 1872 to 1878. Prices commenced dropping in 1867 and it dropped up to about 1872, and then there was a perfect blank after that until about 1877 or 1878.

Q. How does the value of the lands in the suburban district in 1878 compare with the value of the lands at the present time—was it not much higher in 1878 than it is now?

A. Well, generally speaking, I think it was higher in 1878 than it is now.

Q. How much higher?

A. 15 to 20 per cent. higher, about.

Q. Hasn't it depreciated since 1876?

A. It depreciated from 1872.

Q. From 1876 to the present time hasn't it depreciated?

1290 A. No, sir. There was a reaction that commenced in 1877 and in 1878. It continued up to 1884 and 1885. Since that there has been a depreciation again.

Q. There has been a depreciation of from 15 to 20 per cent.?

A. Yes, sir.

Q. Now, what would you call on the map of the city of New Orleans suburban property?

A. You want to run a line all the way up.

Q. Would you call it beyond Metairie Ridge or between Metairie Ridge and the lake?

A. I don't call that any property at all; it is worthless.

Q. It is land; it is something.

A. I should call suburban property—say, take from Claiborne street, in the fourth drainage district, and its continuation up to, say, St. Bernard avenue and re-entering Claiborne street above.

By Mr. SAUNDERS:

Q. Do you think that if all of the land within the limits of the city of New Orleans were drained and protected from overflow that could be sold for gardening purposes at the rate of $200 per acre? What would be the value of suburban lands per acre—the lands suitable for gardening and agricultural purposes?

A. If they were put on the market now?

Q. Yes; if they were drained and put on the market.

A. It is a question of the attraction of population. I believe I made the remark before that if such a state of affairs were to

1291 occur the population would be attracted here and I believe they would be sold for that.

Q. They would not be sold for that until the population was attracted to it—in other words, the value would be conjectural?

A. Yes, sir.

(Signature of witness waived.)

(Signed) O. B. SANSUM, *Master.*

Adjournment.

At this stage of the examination it was agreed by all parties present that the same be continued until Monday, February 4th, 1889, at 1 o'clock p. m., at the office of O. B. Sansum, master, No. 52 Camp street.

1292 Circuit Court of the United States for the Eastern District of Louisiana.

JAMES W. PEAKE
vs.
THE CITY OF NEW ORLEANS. } No. 11614.

Testimony taken on the 4th day of February, 1889, on the part of the defendants in the above entitled and numbered cause on a reference before O. B. Sansum, Esq., special master, at his office, No. 52 Camp street, New Orleans, La.

Appearances: R. De Gray, Esq., solicitor for complainant; Carleton Hunt, H. H. Hall, and White & Saunders, solicitors for respondents.

1293 Witness, W. I. HODGSON, being duly sworn as a witness for defendants and examined by Mr. SAUNDERS:

Q. How old are you?
A. I am over 25 years of age.
Q. How long have you been in the auctioneer business in the city of New Orleans?
A. Thirty-one years.
Q. You are a real-estate agent, broker, and auctioneer in city.
A. Yes, sir; we handle property all over the city, private and public estates.
Q. You do one of the largest business in that line in this city?
A. I—I don't know about that.
Q. You know that you do one of the largest business in this city?
A. I do a large business.
Q. You are acquainted with the different localities within the limits of the city of New Orleans?
A. Yes, sir. I ought to. I have been running around there for the last 40 years.
Q. Look at this map marked "O. B. S., master, February 1st, 1889," and state what value you put upon the lands in the locality bounded by the Lake Pontchartrain on the north, People's avenue canal on the east, the Metairie Ridge on the south, Bayou St.
1294 John on the west, and on the south by Metairie Ridge and Marigny avenue?
A. I don't put any value on them, because it is all swamp lands—swamp and marsh.
Q. Is there any sale for lands in that locality?
A. No, sir.
Q. What is the value of the lands on the Metairie ridge as it is marked off on this map, commencing in the rear of the fair grounds and extending to the People's avenue canal?
A. You mean south of the Gentilly road?
Q. Right in here, as I have designated it. You see, here is the Metairie Ridge running along on that map, represented by those

pencil marks; right on the Metairie Ridge, commencing in the rear of the fair grounds and extending to the People's avenue canal. What do you estimate the value of all that land along that ridge between Marigny avenue and People's avenue canal?

A. I don't place any value on it. I would not pay taxes on it if you would give it to me. I would not pay the taxes on it for it. It is so hard to get in there, and then you might get in there and collect a little moss. I have often been back in that locality. You have to go in the marsh and swamp. You might raise a little vegetables and collect some moss, but the expense would be too great to get in there. I would not pay the taxes on it if you would give it to me.

Q. You know the Hopkins place?

A. I know of it, but I have never been there.

Q. On the L. & N. road and Elysian Fields street, what is the value of that land?

1295 A. That is on the Metairie Ridge. I can't tell you about that. I don't know. I believe there are several places on it on that ridge; habitations on it and little gardens.

Q. What demand is there for property along the Metairie Ridge?

A. None at all.

Q. Now, take the property bounded on the north by Metairie Ridge, on the west by People's avenue canal, on the southwest by the straight mark or continuation of Claiborne street, and on the northwest by Marigny avenue.

A. It is the same kind of land as the other.

Q. What value do you put on it?

A. None. I would not pay taxes on it if you would give me the titles.

Q. Is there any demand for it in this market?

A. Not that I have ever heard of.

Q. Now, let us look at this triangular strip of land in the north-northwest, bounded by the continuation of Claiborne street, on the east by the People's avenue canal, and on the south by Florida Walk.

A. It is the same kind of land.

Q. Has it any value?

A. No, sir.

Q. Is it inhabited?

A. I can't tell you that. There may be some huts on it.

Q. Is it high or low?

A. It is all low land.

1296 (The property in regard to which he has been testifying is in the third drainage district.)

Q. Now, let us go into the fourth drainage district, bounded on the north by Florida Walk, on the east by the Ursulines convent property, on the south by St. David St. or Claiborne street, and on the west by Lafayette avenue.

A. I see that you have no streets on this map. When you get

three or four squares back of Good Children street you leave high land, and then all that back there is marsh and swamp land.

Q. What demand is there for that land?

A. None, sir.

Q. There is no demand for it?

A. None.

Q. You consider that three or four streets back of Good Children street has no value, after you come to three or four streets back of Good Children street?

A. Yes, sir; four or five streets after that point you strike an open swamp.

Q. Wet or dry?

A. Wet.

Q. High or low land.

A. Well, I should judge that it was low.

Q. What do you know about it?

A. I have been in there. I have hunted in there.

Q. Now, also in the fourth drainage district, bounded by Florida Walk on the north, the United States property on the east, and the Stoddard Howell property on the west, back of the barracks.

1297 A. When you get back in there it is all marsh and swamp lands.

Q. How far back of St. Claude street is the property worth anything?

A. I don't think it is worth anything more than one or two squares back. That land ceases to have any value not over two squares of the old Mexican Gulf railroad. I don't think anybody or any sensible man would take that property for taxes. It is all cut up; to a certain distance fenced up and used for gardening purposes. There is no value attached to it at all.

Q. So that in the fourth drainage district your opinion is that in the upper portion, after four squares back of St. Claude street, the property ceases to have any value, and the lower portion, about two squares back of the old Mexican Gulf railroad or St. Claude street, the property ceases to have any value?

A. Yes, sir. There are some farms back there on the portion where it is higher, where it has been taken care of.

Q. What is the value of those farms per acre?

A. I don't know; I haven't sold any.

Q. Now, in the fourth drainage district, Mr. Hodgson, there is some property not divided on this map by squares, bounded on the north by Florida Walk, on the east by Stoddard Howell's property, and on the west by the Ursulines convent property. What is the valuation of that property?

A. Back of the railroad, you mean?

Q. Yes; back of St. Claude street.

A. I would not place any value on it after you get two or three squares back of the railroad or St. Claude street.

1298 Q. So that your opinion is that in the whole of the fourth drainage district, an average of four or five squares back of the railroad, that the property has no value?

A. Yes, sir; it is not worth the taxes on it.

Q. Now, in the third drainage district, examine this piece of property bounded on the north by Florida Walk, on the east by Lafayette avenue, on the northwest by a straight line there marked, the continuation of Claiborne street, and on the west by Elysian Fields; what, in your opinion, is the value of the property?

A. Well, sir, I don't think there are any buildings of any extent on it after you get one or two squares away from Good Children street, and it then extends out to the lake. After you get to one or two squares of Elysian Fields, straight back in there, there are some high lands in there, but it is not built on it to any extent except shanties; that is all that is on it. I don't think there are any —, either.

Q. There are none at all?

A. That is pretty good land when you get back there. Well, we will take from Claiborne street, and then there are no buildings on it. The dividing line, say, is Claiborne street. Claiborne street down there is like the dividing line uptown. When you get back of Claiborne in there there is nothing of any consequence. It is all open land, mostly marsh, not swamp; there are trees on it; that is almost under water. I sold some squares down in there in the succession of Mrs. Gaines last year, right on the railroad, for $5.00 a square, and the fellow said afterwards that he would like to get his money back; it was three feet under water.

1299 Q. Right on the railroad?

A. Right on the Pontchartrain railroad, going down Elysian Fields street, I sold some squares on the right side of it for $5.00 a square.

Q. So that in your opinion the lands contained in that portion bounded by Florida Walk, Lafayette avenue, St. David or Claiborne street, and Elysian Fields street has little value?

A. It is all marsh land. There are some trees on it. It is not what you call swamp land. It is marsh and swamp mixed; a great deal has no trees on it.

Q. What would be its value per square?

A. I would not put any value on it. I would not have it. It could be drained into the lake; then there would be a value on it; there is no doubt about that.

Q. Now, in the first drainage district, contained in the piece bounded by Elysian Fields street on the east, Claiborne or St. David street on the south, St. Bernard avenue on the west, and Marigny avenue on the north.

A. All around in here is pretty good land—that is, all along St. Bernard avenue and Claiborne street. There are some nice little farms along here at Gentilly; nice dairies and farms, except right along the Pontchartrain railroad; all the rest of that is good land, with houses and dairies on it.

Q. How much do you suppose it is worth?

A. I don't know what value to place on that; some squares are worth more and some less. Some are worth $5.00, others are

1300 worth $8.00, and some lots for $100 and others $10. Mrs. Gaines had a lot of that property; some in good high land and some low, and some of it near the railroad is all marsh and swamp.

Q. Well, how many squares do you estimate to be swamp land in that portion just indicated?

A. I can't tell you that exactly now. I would have to go down and look at it so as to be certain. There are some 3 or 4 squares where there are buildings on them back there on the railroad, but over here it is not as high, and in here it is rich land, with farms and dairies, and around here there are nice houses; along and around Claiborne street there are the nicest kinds of property; there is high land along here. I haven't been over this land for the last 5, 6, 7, or 8 years.

Q. Well, now, take this tract back of the fair grounds, bounded by Marigny avenue on the north, St. Bernard avenue on the east, Metairie Ridge on the south, and Bayou St. John on the west.

A. That is pretty much all marsh.

Q. Well, has it any value?

A. Well, no, except near Esplanade street there is some high land. The old Ludling place and the jockey club is good land, but as — go away back from the fair grounds you go into marsh lands. The fair grounds is good. That is a good, fine piece of property, but all the property back of the fair grounds is pretty much all swamp.

Q. Now, on the west side of Bayou St. John, look at the land bounded on the east by the Bayou St. John, on the south by the Matairie Ridge, on the west by the Orleans tail-race. What is the value of that land?

1301 A. There is the City park in there. That is good land, but the back of the City park is all marsh and swamp.

Q. As far as what west?

A. As far as the New canal.

Q. So that in your opinion all the land between the New canal and the Bayou St. John and back of the City park is low land?

A. Low land; marsh and swamp. Back of the work-house there and back of the City park clear to the lake is all low land; swamp and marsh.

Cross-examination by Mr. DE GRAY:

Q. Where are the cemeteries in there?

A. The cemeteries are all in here.

(Witness points out the land indicated on the map by the squares from 690 to 692 and 651 to 654 and says:)

Right in that vicinity the cemeteries are, and some of it runs on the other side of Canal street. There is the Firemen's cemetery on this side and one next to that, and the other side is the Firemen's, the Greenwood, the Potter's Field, and you have the Odd Fellows' Rest and the Jew's cemeteries.

Q. How many squares do the cemeteries cover?

A. I don't know.

Q. The cemeteries are all high land?
A. Yes, sir; pretty high land.
Q. What is that worth?
A. I don't know what the cemeteries are worth.
1302 Q. They are all high lots?
A. Yes, sir; I suppose on ordinary lots.
Q. Take a whole square of the cemeteries.
A. If it was not a cemetery—open land—it would be worth $500 a square.
Q. But as a cemetery.
A. Well, now, that is another thing. I have a lot that cost me $150 and it measures five and a half feet by eleven feet.
Q. For the naked ground?
A. Yes, sir.

Redirect examination by Mr. SAUNDERS:

Q. What is the character of the land in that irregular piece of ground bounded by the Metarie Ridge on the north, by the Bayou St. John on the east, by Hagan avenue on the south, and by Canal street on the west?
A. That is pretty good land.
Q. Is it high or low?
A. It is what is called high land; no marsh nor swamp If it was properly ditched and drained it would be valuable land, and could be used for the purpose of building residences. There are many houses in there.
Q. What kind?
A. Frame residences; and there are fine houses on Canal street.
1303 Q. Now, northeast of Canal street, what is the character of the land there?
A. It is pretty good; all good land.
Q. What is the character of the land in the piece bounded by Canal street on the northeast, by the New canal on the northwest, and by Hagan avenue canal on the west?
A. That is all pretty good land.
Q. Is the property in there valuable?
A. Yes, sir; good land, and worth about $400 or $500 a square.
Q. Now, in the second drainage district, what is the value of the land between the New canal and Jackson railroad, where the boundary of the second drainage district is marked on this map, going as far as the Jackson railroad depot?
A. After you get back of Claiborne street then it is all low land. The depot is down at Magnolia street. That is not the place where the depot is at all as it is marked on this map. You are making me come here and correct your map.
Q. Well, now, that property in there back of Claiborne street, in that portion between the New canal and the Melpomene canal, how is that land?
A. I say that up to Claiborne street it is all right, but back of

Claiborne street it is all low land, all the way up to Melpomene street. I have a lot of property in there, and I can't get $20 a square for it—it belongs to Dr. Wood—and some on Washington avenue.

Q. Look at the squares west of the Melpomene canal and back of Claiborne street.

1304 A. It is the same style of land, all marsh and swamp.

Q. What is the character of the land in the second drainage district between Claiborne street and the river?

A. That is very good.

Q. I want to direct your attention to that portion of the city of New Orleans which is between or divided by Toledano street and by the upper protection levee, on the upper line of the city and the river, and I will call your attention to that part of the city by sections. In the first place, let us take that portion of the area which I have just mentioned, which is bounded on the north by Lake Pontchartrain, New Orleans or New canal on the east, the upper protection levee on the west, and the Jackson railroad on the south.

A. Well, there is a little high land in there; for instance, there is George L. Bright's park in there; that is high land, and the Metairie cemetery is in there; that is high land, and there is the Metairie Ridge, going out or where Dr. Beard used to live, and Holmes, and there is Bonnable's place and milk dairies.

Q. Well, what is the character of the bulk of that land?

A. It is swamp; the Oakland is all high land, but there is marsh all around it, but the Metairie Ridge and Metairie cemetery and the land running through Camp Parapet to the river is all high land, with nice farms there; but the bulk of the land is swamp.

Q. And has it any value?

A. It has some value for the wood that is on it, because there is high land to bring it out, and it is not like the other low land, where you have to bring it out in boats.

1305 Q. What do you estimate the swamp lands to be worth there?

A. There is some high land around there, and you can get carts to it to haul out the wood.

Q. Well, give your best judgment.

A. $5.00 an acre, about; the woodland, not marsh.

Q. And the bulk of the land in there is what?

A. When you get near the lake it is marsh.

Q. How many acres do you think, in your best judgment, there is high and valuable in that part?

A. I have no idea. I would have to take and measure it.

Q. What is the character of the land between the Jackson railroad, Toledano street, Claiborne street, and the Foucher property?

A. That is all very low land, swamp; there is some little high land back, at about Marengo street, Constantinople street, near Claiborne street; but when you cross Claiborne street in there the ground is very low and it has no timber on it.

Q. What is the character of the rear portion of the Foucher property?

A. When you get about 3,000 feet from St. Charles avenue it is very low land.

Q. A little over a half of a mile, then?

A. It is very low land then.

Q. You say for half of a mile of the avenue is very good land?

A. Well, two-thirds of a mile is good land; back of that is Metairie Ridge. I have ridden through that last year.

1306 Recross-examination by Mr. DE GRAY:

Q. Is not the result of your examination—to shorten the thing—that all the lands in the city of New Orleans except those that you have designated as low lands are high lands and valuable lands? You have mentioned all about the low lands. Now, outside of the low lands, you have mentioned, for instance, those towards the river and the like, of which Mr. Saunders has not asked you. That is all valuable land?

A. It is land that has a value to it, but I would not call it valuable land.

Q. Is it not, the most of it, built upon?

A. Yes, sir; and under cultivation and fenced in.

Q. Let me ask you what the Metairie cemetery people paid for the Metairie race-course when they turned it into a cemetery.

A. I believe it was $75,000.

Q. Do you know how many acres there was in it?

A. No, sir.

Q. Was it as large or larger than the Oakland race-course?

A. Larger, I think.

Q. Do you remember when they bought it?

A. Away back in 1870, 1873, 1874, or 1875—somewhere along there. Mr. Duke and Charley Howard were the principal men who bought it. I attended the races there 35 or 40 years ago.

Q. A great deal of this land that you have spoken of—you stated that it could be rendered valuable by drainage?

A. Yes, sir.

1307 Q. Is not that land low, due to the fact that it is not drained and protected from overflow?

A. Yes, sir.

Q. What is the character of the soil? Is it not rich alluvial soil?

A. Yes, sir; very.

Q. And for gardening, how would it do?

A. First-rate.

Q. If it were drained?

A. If it were drained. Some of that soil back there is a little tough and it wants a little sand to it.

Q. It is what is called virgin soil?

A. Yes, sir; it is very rich.

Q. What has been the depreciation in property in the rear of the city since the year 1876?

A. Whereabouts?

Q. Take along Broad street, along Hagan avenue.

A. There has been some depreciation.

Q. Haven't these numerous overflows that have occurred over these lands on account of the want of proper drainage—haven't they affected the value of that property very much?

A. Yes, sir; entirely—some 50 per cent.

Q. How would the value of the property in 1876 compare with the value of the property in 1871, 1875, and 1873?

A. Where do you mean?

Q. In the rear portion of the city, which I have just called your attention to.

1308 A. In 1871, and for about four years, there had been a great interest manifested back there in property; it was unusually high between Canal street and the new basin back of Broad street. The property sold high around there from 1868 to 1871, when, I think that was the year, *when* Warmouth was nominated for Governor, the bottom was knocked out.

Q. And after 1871?

A. After 1871 it depreciated a good deal and recovered a little, and it has been pretty much the same since.

Q. You say it was higher than now in 1871.

A. 40 to 50 per cent. higher; not all——

Q. But on an average?

A. There is some property back there that never was worth much, back of the marine hospital, for instance; that is very low land; it is not filled or ditched.

Q. It has no value, then, because it is not drained and subject to overflows?

A. Yes, sir; I have a square for sale back there which belongs to George W. Hynson, that he bought at the time of the Edgerton swindle, when bonds were issued to build a railroad from here to Mobile, and Hynson bought up some land back there and he gave $18,000 for a square of ground, and he wants to sell it for $1,000; it is 5 or 6 squares on this side of Carrollton avenue; I tried to sell it recently, but couldn't do it.

Q. Have you sold any lands within late years for gardening purposes in the city of New Orleans, or do you know of the sale of any gardens?

1309 A. Nothing to any extent. I sold some lots last year down the bayou; there were some vacant squares outside of the fair grounds.

Q. And they sold for what?

A. All the way from $25 to $200 a lot.

By Mr. SANSUM, master:

Q. What is the size of the lots?

A. Ordinarily of 30 by 120 feet.

Recross-examination by Mr. DE GRAY:

Q. It was not put up in garden shape?

A. It was, and had been for a good many years; the heirs got a quarreling and sold it.

Q. You sold it at auction?

A. Yes, sir.

Redirect examination by Mr. SAUNDERS:

Q. I understand you to say that from 1867 to 1871 the property in the rear of the city that was habitable or cultivatable had a high value?

A. Yes, sir; near Canal street.

Q. Was that the case with the property in the fourth and
1310 third drainage districts?

A. No, sir; the only places where there was any interest manifested or where the lands rose up in price was always between here and the cemeteries on Canal street and vicinity, where there was communication with Canal street, or near Canal street, back there.

Q. Take the property generally in the rear of the city, in the third and fourth drainage districts, and back of Claiborne street, in the first and second drainage districts, what was the value of such property?

A. I don't think there was any value to it then—no more than it has now. That kind of property has never had any value in this market. There is a little piece of dry land where the Louisiana race-course used to be—where the railroad leaves Elysian Fields. The people had grand stands there. That is high land in there, but back of it is all marsh. I don't think that is very valuable now.

Q. All the property in the rear of the city—generally all that you call low; all the property, say, back of Claiborne street—how does it compare with the value of the property through the entire length of the city of New Orleans?

A. I don't think there has been any change in it.

Q. Has there been any demand for that property?

A. Not to my knowledge.

Recross-examination by Mr. DE GRAY:

1311 Q. What is the value of gardening property, property capable of raising vegetables—market truck? What is the average value per square for that within the city?

A. I don't know. It is very diversified. It depends upon where it is. If it is accessible to the market, where you can get to it, and is not subject to overflows, where you can reach it so as to bring it to the market, and where you can raise a crop, and a man is sure that it would not be overflowed, you can buy squares in the third district, used for cultivating, for $500 to $600 per square. In the rear of Carrollton or on Carrollton avenue, that will do — cultivation, you can buy land for that purpose for $800 to $1,000 back from the river—not immediately on the front; and if you step over on the parapet levee, where they have put up a protection levee, you can

buy land there from $50 to $100 an acre, and there — two acres in a square.

Q. That is within or inside of the protection levee?

A. Outside of the protection levee. On the inside of the protection levee it would be higher. It would cost you from $800 to $1,000 anywhere back in Carrollton—good high lands.

Q. That is good, high lands?

A. It is pretty good back there—some eight or ten squares back from the river. Some portions of it is high land—the principal part. There is high land in Carrollton—some part of Carrollton; back 14 streets; 28 streets from the river, and then you strike a swamp. The town don't appear to run like any other city in America.

1312 By Mr. SAUNDERS:

Q. What has been the character of the demands for lands in this city during the past sixteen years?

A. You mean lands in the rear of the city?

Q. Lands that have some value?

A. Not a great deal.

Q. There has not been a great deal?

A. No, sir; a party may have come to see me now and then to sell a farm who has one for sale.

Q. So there has not been any demand in the city?

A. No, sir.

Q. So, then, the demand has been quick and very easily satisfied?

A. Yes, sir.

(Signature of witness waived.)

(Signed) O. B. SANSUM, *Master.*

Adjournment.

At this stage of the examination it was agreed by the solicitors for complainant and defendants that the same be continued until to-morrow, February 5th, 1889, at 10 o'clock a m., at the office of O. B. Sansum, Esq., special master, No. 52 Camp street, New Orleans, La.

1313 Office of O. B. Sansum, Esq., special master.

NEW ORLEANS, *February 5th,* 1889—10 a. m.

Present: R. De Gray, Esq., solicitor for complainant; Carleton Hunt, H. H. Hall, and White & Saunders, solicitors for defendant; O. B. Sansum, special master.

Pursuant to adjournment, the above-named parties being present, and by agreement of all parties, further proceedings to this cause are adjourned until to-morrow, at 2 o'clock p. m.

Office of O. B. Sansum, Esq., No. 52 Camp street.

NEW ORLEANS, *February 7th*, 1889—2 o'clock p. m.

Circuit Court of the United States for the Eastern District of Louisiana.

JAMES W. PEAKE
vs.
THE CITY OF NEW ORLEANS. } No. 11614

Present: R. De Gray, Esq., solicitor for complainant; Carleton Hunt, H. H. Hall, and White & Saunders, Esqrs., solicitors for defendants; O. B. Sansum, Esq., master.

1314 Pursuant to adjournment, the above-named parties being present, and by agreement of all parties, further proceedings in this cause was adjourned until to-morrow, at 9.30 o'clock a. m., at this office.

Office of O. B. Sansum, Esq., No. 52 Camp street.

NEW ORLEANS, *February 8th*, 1889—9.30 o'clock a. m.

Circuit Court of the United States for the Eastern District of Louisiana,

JAMES W. PEAKE
vs.
THE CITY OF NEW ORLEANS. } No. 11614.

Present: R. De Gray, Esq., solicitor for complainant; Carleton Hunt, H. H. Hall, and White & Saunders, Esqrs., solicitors for defendants; O. B. Sansum, Esq., special master.

Pursuant to adjournment, the above-named parties being present, it was agreed that further proceedings be continued until 3 o'clock p. m. this day, at the same place.

1315 Circuit Court of the United States for the Eastern District of Louisiana. In Equity.

JAMES W. PEAKE
vs.
THE CITY OF NEW ORLEANS. } No. 11614.

Testimony taken on the eighth day of February, 1889, at 3 o'clock p. m., on the part of the defendants in the above entitled and numbered cause, on a reference before O. B. Sansum, Esq., master in chancery, at his office, No. 52 Camp street, New Orleans, La.

Appearances: R. De Gray, Esq., solicitor for complainant; Carleton Hunt, H. H. Hall, and White & Saunders, solicitors for defendants; O. B. Sansum, Esq., master.

1316 J. L. NEWMAN recalled by defendants, and examined by Mr. SAUNDERS:

Q. You have been in the employ of the city of New Orleans for a good many years, have you not?

A. Yes, sir; for about four years and a half.

Q. Can you tell us what was the amount of taxes levied by the city of New Orleans in the years 1875, 1876, 1877, 1878, 1879, and 1880?

A. I can by referring to our semi-annual statement or report.

Q. Will you refer to that statement and tell me what it was?

A. In 1875 our total ratio of taxation was $2\frac{1}{2}$ per cent.; in 1876, $1\frac{1}{2}$ per cent.; in 1877, $1\frac{1}{2}$ per cent.; in 1878, $1\frac{1}{2}$ per cent.; in 1879, $1\frac{1}{2}$ per cent., and in 1880, $1\frac{82}{100}$ per cent.

Q. Now, during the years during which you have just spoken was the total amount greater in receipts or expenditures of the city of New Orleans each year?

A. The expenditures were greater; our receipts were not enough to cover our expenditures.

Q. There was a deficit, then, of each year?

A. Yes, sir.

Q. What has been the relation of expenditures and receipts from 1880 to 1888?

A. We have fallen short of all our expenses for those years except 1883, and we owe a little for 1885, but that we will pay.

1317 Q. So, then, the expenditures of the city so far have been greater than the receipts—that is, there is a deficit so far from the years 1880 to 1888, except 1883, I understand you to say?

A. Except 1883; yes, sir, and we owe a little for 1885, which we have not paid, but will pay.

Q. Do you know what was the aggregate deficit prior to 1880?

A. No, sir; I do not, but I know that since 1884 up to 1885 we have funded over $600,000 of converted scrips in five per cent. bonds.

Q. That scrip represented the deficit under the ordinances of 1878 and previous years?

A. Yes, sir.

Mr. De Gray, solicitor for complainant, objects, first, to all of the evidence that Mr. Newman has given in regard to the ratio of taxation and to the statement that it was always up to the point allowed by law. Mr. De Gray objects to the statement made by Mr. Newman in reference to the amount of taxes allowed by law, it being contended that the taxes allowed since 1876 were up to the amount allowed by law and that there was no taxes allowed under the taxes levied for carrying on the drainage proposed. The limit of taxation in 1876 was established by the premium-bond act, which is a month at least in date later than the act of February, 1876, under which the city purchased the franchises and under which and by which she was obligated to go on and complete the drainage. The limitation thus given by the witness and contended for by the other side

could have no constitutional bearing against the warrant-
1318 holders because it was a limitation of taxation made subsequent to the creation of the debt, which ought to be paid out of the drainage tax. With a reservation of the above objection, I now call for the details of the ratio of taxation for each of the years referred and testified to by Mr. Newman.

Mr. Saunders, solicitor for defendants, offers in evidence a detailed statement of the ratio of taxation on every $100 for the years 1875, 1876, 1877, 1878, 1879, 1880, which are copied from the comptroller's report of the receipts and expenditures of the city of New Orleans, as follows:

1875.

Valuation of taxable property	$119,288,504
Ratio of taxation on every one hundred dollars:	
City-expense tax	.51
Police tax	.4950
School tax	.25
Park tax	.1250
Interest	1.12
Total	2.50 per cent.

1876.

Valuation of taxable property	$119,045,515
1319 Ratio of taxation on every one hundred dollars:	
City-expense tax	.57
Police tax	.42
School tax	.25
Premium-bond tax	.26
Total	1.50 per cent.

1877.

Valuation of taxable property	$109,669,889
Ratio of taxation on every one hundred dollars:	
City-expense —	.60
Premium-bond tax	.40
Police tax	.30
School tax	.20
Total	1.50 per cent

1878.

Valuation of taxable property	$111,147,245

Ratio of taxation on every one hundred dollars:

	City-expense tax	.84
1320	Premium-bond tax	.46
	School tax	.20
	Total	1.50 per cent.

1879.

Valuation of real estate $11–,226,433

Ratio of taxation on every one hundred dollars:

City-expense tax	1.00
Premium-bond tax	.29
School tax	.21
Total	1.50 per cent.

1880.

Valuation of taxable property $91,117,918

Ratio of taxation on every one hundred dollars:

City-expense tax	.90
Premium-bond tax	.35
School tax	.25
Special-judgment tax	.3210
Total	1.8210 per cent.

1321 (Signature of witness waived.)
(Signed) O. B. SANSUM, *Master.*

JAMES B. GUTHRIE, recalled as a witness for defendants, and examined by Mr. SAUNDERS:

Q. You have already testified in this case, Mr. Guthrie?

A. Yes, sir.

Q. Prior to 1876, have you had anything to do with the collection of the drainage tax?

A. Yes, sir; as I have stated in my previous testimony, I was intimately connected with it.

Q. What efforts did you make prior to 1876 and during 1876 to collect the drainage tax, either outside or in court?

A. I stated that very fully, if I recollect aright, in my former testimony here about the organized force that I had working for me at my office, at No. 122 Gravier street, with a corps of clerks and employees, and securing from the city the books of the drainage department, with the names of the debtors, and we made a personal canvass of the city throughout its entire area in order to find those parties who appeared to owe drainage taxes, and wherever found a personal effort was made with them to urge their payment or secure the payment of the same, and in that way I became very familiar

with that or those sections of the city wherein drainage taxes
1322 were owing, and I was called upon by the city and very often went down to assist them in indicating where and in what sections of the various districts they should issue their *fi. fas.*, and I think that I was generally consulted about that list of *fi. fas.* that were issued by the city before and after my connection with the drainage department, established by the act of 1876. I know that in 1876 they were all indicated by me; I think most of them, if not all.

Q. You mean you indicated the property to be seized?

A. Yes, sir.

Q. Have you any recollection as to how many *fi. fas.* were issued?

Mr. De Gray, solicitor for complainants, objects to the question on the ground that it is a matter of court record, which is the best evidence.

The master overrules the objection.

A. There was quite a large number, much larger than what I have remembered at the time I was interrogated on this point previously. I have had occasion to examine into the matter since, and I now state that there were between a thousand and twelve hundred *fi. fas.* issued.

Examination by the MASTER:

Q. Were those *fi. fas.* issued against the ground, the owner, or was it a general *fi. fa.* ordering execution against the property of the debtor?

A. It issued against the property, and service was made whenever it was possible to find the owner.

Q. If it were issued against Jones, for instance?

A. Well, it was issued against his property or the property
1323 belonging to him, against which there was due the drainage tax.

Q. Well, you couldn't take any property of the debtor under such a *fi. fa.* but that mentioned in the *fi. fa.*?

A. It was a specific instruction on the part of the court directing the sheriff to make the seizure to make the debt stated in the *fi. fa.* against the land of the party; that was all.

Q. And you never attempted to issue execution against a person generally?

A. There was no execution issued against the general property of the debtor. You see, in a great majority of these cases where *fi. fas.* were issued the property had changed hands, and in some cases the parties originally assessed were dead, the property had passed through successions into other people's hands. We claimed that the assessment annexed was against the property, and we found the owners and made them a party to these writs.

Direct examination by Mr. SAUNDERS:

Q. From what period of time to about what time did the effort to

collect the drainage taxes or secure the payment of the same by the issuance of *fi. fas.* extend?

A. From the year 1875, say, to 1878?

Q. During that period there was issued by the city of New Orleans between 1,000 and 1,200 *fi. fas.*, you say?

A. Under the drainage department there was issued nearly a thousand; there may have been eleven or twelve hundred, but I feel certain there were 1,000 issued.

1324 Q. Was the general result of collections by *fi. fas.* successful or unsuccessful?

Q. Well, viewed in the proportion of the returns as compared with the amount involved in the aggregate of the *fi. fas.*, it was by far from being successful; there was no adequate return as compared with the expenses involved in the matter; there was not an adequate return; the expenses were very heavy.

By the MASTER:

Q. What expense was there to issue those *fi. fas.*?

A. All those *fi. fas.* were written up in the office by clerks employed by me, with the assistance of the city, and the clerk labor was very heavy; and then there was a great difficulty in getting service of notices, and I hired special deputies, men who were employed by me to make collections, and I had them, by an arrangement with the sheriff, sworn in as deputy sheriffs, and with them I entrusted the finding out of those parties, and even with those efforts a great many of our services failed, and the writs failed because the party happened to be dead or failed to have the right name, and some of the parties would say, "That is not our name," or "We don't own the property;" and in this way a great many of those *fi. fas.* that were issued never reached the point where they could be advertised because of the lack of service. Those that were advertised, of which possibly there were 200 or 300, a good many of those were offered for sale; there were no bidders, and those that were sold, so far as I know, were all bid in by parties in the interest of Mr. Van Norden, and settlements were made in drainage warrants—that is, the settlements were made to

1325 the sheriff. I think that this was the way that the settlements must have been made.

By the MASTER:

Q. You must not think about it; you must say only what you know.

A. I know that warrants were used in the settlement of the amount of assessment and the interest on drainage due, but the costs of the *fi. fa.* under the writ, being the cash portion was paid by the purchaser; they would go in the sheriff's office and pay the cash portion—that is, the advertisement, sheriff's costs, and the cost of the writ, and so on. Those things were paid in cash, but the balance was settled for by the use of the drainage warrants.

Direct examination by Mr. SAUNDERS:

Q. That is to say, the tax and interests on the drainage tax was paid in warrants and the costs of the proceedings were paid in cash?

A. What I mean to say is that Mr. Van Norden did not pay cash for the full amount of his purchase in the way he managed it; he used his warrants, and if he had cash to start with he got the warrants with that cash.

Q. Will you explain against what character of properties were these *fi. fas.* issued; whether you took the property in the drainage district against which the tax was levied, or state how you indicated the property, as to how the *fi. fa.* should issue.

1326 A. My working or connection with the matter had given me a pretty fair idea of what was the best property to make the amount due, and I always tried to issue the *fi. fa.* where it would produce or where it would be likely to produce the best results financially to the department, and I located that property which, in my judgment, appeared to me to produce such results.

Q. Then you picked out the property that was most likely to sell?

A. Exactly.

Q. Was Mr. Laroque in your employ at that time?

A. He has been with me as my clerk since the department of drainage was established, in 1876.

Q. Was he in your employ prior to that time?

A. He was connected with the city. I think that he was directly employed by the city before that. I was in constant communication or working with Mr. Laroque all the time.

Q. What were his duties?

A. You mean subsequent to his being employed by me?

Q. When he was in your employ.

A. He was my only representative and he gave his time entirely to the collections of the drainage tax. His duties were to go outside and wherever he could make a collection he would do so. He had his books and his list and was constantly making collections.

By the MASTER:

Q. He was your collector?

1327 A. He was my assistant.

Q. He was your collector?

A. He was my assistant, because I had a portion of the work, and he devoted all his time to that matter.

Q. You sent him out to collect?

A. Yes, sir; he made out the notices for me and I furnished the stamps. Where I could get the address they were sent through the post office and where I could make a personal service and have a personal interview we did that, and every other effort was made to secure a service properly. Mr. Larouque was not the only one I had. I had others, from time to time, to assist him.

Direct examination by Mr. SAUNDERS:

Q. How many collectors besides Mr. Larouque did you have?

A. I had them at different times—Mr. Mack, Mr. Bowers, and Mr. Delano.

Q. Who was Mr. Delano?

A. He was a nephew of Mr. S. T. Moody. He was in Mr. Moody's employ.

Cross-examination by Mr. DE GRAY:

Q. I understand the result of your testimony to be that there are between 1,000 and 1,200 executions issued. A margin of 200 is quite a matter of difference for a matter that is a matter of
1328 record. Now, what sort of records did you examine since you were examined last which gave you the indefinite knowledge or knowledge so indefinite that you couldn't tell whether it was 1,000 or 1,200?

A. I examined the *fi. fas.* book at the sheriff's office wherein these especial *fi. fas.* were kept in.

Q. Doesn't that book show to an absolute certainty the number of *fi. fas.* issued?

A. I suppose that it does, but I did not count them one by one, excepting by pages, and I made an estimate in that way. I say there must have been fully 1,000 *fi. fas.* issued. Remembering that I had stated in answer to a question as to how many *fi. fas.* were issued, in my former evidence, that there were from 150 to 200 or a couple of hundreds or something of that kind, after examining the *fi. fa.* book I saw that I had testified to an amount far below the amount that were issued.

Q. You have testified that there were how many pieces of property advertised for sale?

A. Between 200 and 300. Some of the advertisements included several pieces.

Q. Now, precisely how many did Delano buy out of those that were advertised for sale?

A. I can't state definitely.

Q. Did he buy 25?

A. I can't say positively.

Q. I will ask if you would be willing to swear that he bought any for Mr. Van Norden out of the amount advertized for sale. Out of the 200 would you be willing to state that he bought 25?

1329 A. I would not say that.

By the MASTER:

Q. Would you be willing to state that he had bought 25 pieces of property out of the amount advertised for Van Norden? That is the question you are asked. It is a perfectly plain question. You can answer that.

A. I am not willing to enter into a numerical statement in regard to the amount purchased.

Cross-examination by Mr. DE GRAY:

Q. Then you don't pretend to fix the number of purchasers of property advertised for drainage taxes that were bid in by Van Norden, through Delano or anybody else, do you?

A. You know in a general way I have an idea about what was done.

Q. You came here to testify to precisely what was done. This is a matter of importance, and we want no guessing. We want exactly what you know.

A. I state that the sales were made or the purchases were made for the account of Van Norden.

Q. Who were the purchasers in the interest of Van Norden. I want to know that, because I have the record here, and I shall offer it.

A. Mr. Delano was one; Mr. Bowers.

1330 Q. Who else, now?

A. Some of the purchases were made in Mr. Van Norden's own name.

Q. Well, who else purchased in the interest of Van Norden?

A. If you mention them I will tell you if they are any of them.

Q. I won't do that. You came here to give information to this court about matters. You, from your own familiarity with them and connection with them, ought not to have any doubt about them.

A. There was a man named Ed. Willet or Will Willet. I am under the impression that some were made in his name.

Q. Now, all the purchases that were made in the name of other parties and those you have mentioned were real sales for the collection of the drainage tax?

A. No, I don't say so, because Mr. Van Norden had many persons interested in purchasing for him, and then they would make a transfer subsequently to him. I am under the impression that Mr. Norcross did some of that work for him also. I can't recollect all of them; but I think, including Norcross, Willet, Bowers, and Delano, that the bulk of the purchases were made in their names.

Q. Well, no matter in whose names they were made in, I want to know whether there was a sale made by the sheriff, whether in the name of Van Norden or not, or by the parties representing him; whether or not the taxes and costs were paid?

A. Yes, sir.

Q. And the execution was satisfied?

A. Yes, sir.

1331 Q. So, no matter what the result was, the result of the sale was a discharge of the drainage tax and a reduction of the taxes to that amount?

A. The discharge of the drainage warrants.

Q. A discharge of the taxes against the land?

A. Yes, sir.

Q. That land was freed and the debt was paid?

A. Yes, sir.

Q. The execution against that piece of property was satisfied?

A. Yes, sir. Since I was on the witness stand before I had a fire at my office and it disturbed me in my office a great deal, and it has occasioned my looking all over my papers, and I have not found the document or circular that I prepared and distributed to the Legislature and I don't know where it is.

By the MASTER:

Q. Speaking of the large expense it was necessary to incur in getting those *fi. fas.* out against the property that had been taxed, tell me something about how that expense was caused. What was the reason of that large expense for getting out the *fi. fas.*? You say it was attended with a great deal of expense.

A. The *fi. fas.* were prepared with a great deal of care by the clerk at the city hall, where he got the description of the property, and it was in the *fi. fas.* all fully and minutely described.

Q. Didn't you have printed blanks; and, if not, why didn't you get them?

1332 A. Yes, sir; but that did not have and couldn't have but little of the matters necessary. The descriptions were different and they were lengthy.

Q. You wrote into those printed blanks the name of the party and the description of the property?

A. Yes, sir; and the notices of seizure had to be made in duplicate. The duplicates were made for the return of the sheriff and the description of the property on the writ. We did all the work—the clerical work that is generally done by the clerk of the court and sheriff. We did both.

Cross-examination by Mr. DE GRAY:

Q. The sheriff did nothing, then?

A. He had the service to make, but under my expense we employed our own deputies.

Q. Then the sheriff did comparatively nothing?

A. Yes, sir; and he got his costs, and for advertising they were enormous, and in those instances, where Van Norden purchased them, he got his commission all the same.

By the MASTER:

Q. I don't understand what you mean by the word enormous.

A. Well, advertising fine pieces of property for a number of days, having 60 or 70 up for sale, and when they were offered those were failures, and the costs having been made on them, ex-

1333 penses were lost.

Q. But what do you mean by the term "enormous?" I don't understand it. I can gather no information from the statement.

A. I mean the costs were very large in proportion to the results.

Redirect examination by Mr. HALL:

Q. How were the costs in proportion to the amount sought to be collected in the *fi. fa.*?

A. In many instances the fees in proportion was not very large, but in other instances we would have a small tax, and the expenses just as large as it would be where there was a large amount involved.

Recross-examination by Mr. DE GRAY:

Q. You have spoken of the great trouble there was in preparing those *fi. fas.*, and of their being done by Mr. Larouque and your other clerks under your supervision. You had become the collector of the drainage tax in 1876 under a contract at the stipulated price of three hundred dollars a month?

A. Yes, sir.

Q. You had agreed, had you not, to do that work and to furnish all your clerks, all the stationery that was necessary, and all
1334 the expenses for $300 a month, did you not?

A. Yes, sir.

Q. Now, then, what difference does it make to the collection of the drainage fund whether your individual expenses, which you had undertaken to pay and incur out of that $300 per month—what difference did it make to the drainage fund whether your expenses were large or small? You were obliged to pay all those things out of your $300 per month.

A. Those *fi. fas.* began to be issued in the early part of 1875; there were a good many *fi. fas.* issued in 1875, and they ran along to 1876 and up to 1879, and I had a consultation with the city attorney, and in looking over the amount of failures and expense to get such a small amount of taxes we thought that we were unable to collect by means of the *fi. fa.*; we were very much disheartened about it, and we could not afford to incur the absolute expense with the slight prospect of realizing anything from the effort.

Q. How many *fi. fas.* did you issue in 1879?

A. I don't suppose there were many.

Q. Did you issue more than one?

A. I don't remember; I can't tell how many were issued.

Q. Will you undertake to say that you issued more than one *fi. fa.* in 1879?

A. I would not pretend to say that; I know there were *fi. fas.* issued in 1879, but I can't say how many.

Q. Well, more than one? Will you undertake to say that there was more than one issued, and that was against the property of Sallie Howard?

1335 A. I can't, sir.

By the MASTER:

Q. Can you not answer that question?

A. But, if the gentleman says that he knows there was no more

than one, then there must have — one. That has been ten years ago, and I haven't gone over those matters since then.

Q. I want to bring this examination to a close, and not have a long statement in answering a short question. You say that you do know that there were *fi. fas.* issued in that year, and the gentleman asks you if you know that there were more than one. Now, surely, if you knew there were *fi. fas.* issued in 1879 you can answer by saying there were more than one.

A. I can't recollect.

Recross-examination by Mr. DE GRAY:

Q. Were there five issued in 1878?

A. If the gentleman wants me to give him the details of them I don' recollect.

Q. You have no knowledge as to how many were issued in any one year?

A. Not in any specified year.

Q. Is it not true after 1876—isn't it true that the great bulk of the *fi. fas.* that were issued were issued prior to June, 1876?

A. Yes, sir; I know that to be a fact.

1336 By Mr. HALL:

Q. Referring to the proportion of costs borne to the results obtained by the sheriff of the 1,000 or 1,200 *fi. fas.*, why did you not issue more *fi. fas.*?

A. I believe I stated that Mr. Blanc, the then city attorney, who was most intimately connected with me in that matter, going over the costs as they were reported, taking into consideration the number of *fi. fas.* where execution was issued and advertisements made that resulted in no sale—he was very much discouraged, and we did not pursue that method to any great extent thereafter.

(Signature of witness waived.)

(Signed) O. B. SANSUM, *Master.*

LOUIS LAROUQUE recalled as a witness for defendants, and examined by Mr. SAUNDERS:

Q. Were you ever employed by Mr. Guthrie with regard to the collection of the drainage tax assessment?

A. I was.

Q. When?

A. In 1876; in June or July.

Q. State what were your duties.

A. In the beginning of June, in the year 1876, I was in the office receiving collections and helping to make out the bills, and so on.

Q. What were your duties subsequent to June, 1876?

1337 A. I went around the different properties and brought notices and notified the owners to come up and pay. I had

a list of the owners, and I could tell where to go to. I could go to the property with that list I had and giving them a notice.

Q. How many of those notices did you get to go around with in that way?

A. A couple of thousand.

Q. How long were you employed in giving those notices?

A. We did that for two or three years.

Q. Was there any one else employed besides yourself in giving notices?

A. In the beginning there was, but he did not remain long.

Q. Through what part of the city did you give the notices?

A. Principally in the lower portion of the city.

Q. During the two or three years, then, your duty was to take notices out to the drainage debtors and attempt to collect it?

A. Yes, sir.

Cross-examination by Mr. DE GRAY:

Q. Mr. Larouque, you are now speaking of what you did since June, 1876?

A. Yes, sir.

Q. You were working for Mr. Guthrie?

A. Yes, sir.

Q. What was Mr. Guthrie doing?

A. He was trying to collect.

1338 Q. Wasn't Mr. Guthrie practicing law?

A. He was in the office there.

Q. Wasn't he practicing law ever since 1876?

A. I don't know from what time exactly; let me see—1876. I don't know when he began to practice law, sir. I don't remember the year.

Q. Did it not extend beyond 1876, and has he not been a lawyer for over ten years?

A. He was not a lawyer when he was appointed a collector.

Q. What was your compensation?

A. He used to give me $75 a month.

Q. For how long did it begin at that or when?

A. 1876.

Q. Well, how long did it last?

A. For two or three years, I think, he gave me that much, $75.

Q. And his pay was $300 per month?

A. Yes, sir.

Q. Now, you did all of the work, didn't you?

A. I can't say that I did all of the work.

Q. Didn't you do about all that was done?

A. And his portion, too?

Q. Yes; didn't you do about all of it?

A. I did a little over half of the whole work, perhaps.

Q. Who did the other half?

A. I told you that he was trying to collect, but I don't

1339 know by what means. He did not go probably from one place to another, but he would see the parties and send me to them, and so on.

Q. Then you went from one place to another to see the parties; you asked the parties to pay the taxes?

A. I gave them a notice telling them to come up and pay the drainage tax.

Q. And that ended it?

A. Yes, sir; that notice.

Q. Isn't — true, as Mr. Guthrie has already testified, that in a great majority of cases, when you attended to that business, the land had changed hands, the parties had died or moved away, and you could not find them?

A. A great many had moved away.

Q. Some had died, some moved away, and in many instances the property had changed hands, and did not those facts embarrass you in the collection of the taxes?

A. There was a good many cases of that kind when I made the notice out for the present owners. I noticed that some would come up and pay and some would say they were not the owners at that time.

By the MASTER:

Q. The then present owners?

A. Yes, sir; some would say it was not their name, some could not pay, and some did not know where the owners were.

By Mr. DE GRAY:

1340 Q. Where the property had changed hands could you enforce the judgment against the subsequent purchaser without resort to the hypothecary action known under the laws of the State of Louisiana?

A. I don't think you could.

(Signature of witness waived.)

(Signed) O. B. SANSUM, *Master.*

Mr. Saunders, solicitor for defendants, offers in evidence the opinion or decree in the succession of Patrick Erwin, which is reported in the 33d Annual, page 61 and the following page, I think, and it is agreed that in this and in all other courts that this case may be appealed to either party may read from the printed volume of the said reports said decree or any other opinion which might be deemed necessary in this case.

At this stage of the examination, all parties being present, it was agreed that the same be continued until to-morrow morning, Saturday, February 9th, 1889, at ten o'clock a. m., at this office.

1341 Circuit Court of the United States for the Eastern District of Louisiana.

JAMES W. PEAKE
vs.
THE CITY OF NEW ORLEANS. } No. 11614.

Testimony taken on the 9th day of February, 1889, at 10 o'clock a. m., on the part of the defendants in the above entitled and numbered cause on a reference before O. B. Sansum, Esq., master in chancery, at his office, No. 52 Camp street, New Orleans, La.

Appearances: R. De Gray, Esq., solicitor for complainant; Carleton Hunt, H. H. Hall, White & Saunders, solicitors for defendants; O. B. Sansum, master.

1342 JOSEPH DESPOSITO recalled as a witness for defendants, and examined by Mr. SAUNDERS:

Q. You have already testified in this case, I believe?

A. I suppose so. I presume this is the same case.

Q. I think that you have stated that you had been connected with the State tax collector's office in the upper districts for a good many years?

A. Yes, sir; for the past twelve years.

Q. Well, can you tell us what has been the collectibility of the State taxes in the upper districts of New Orleans, above New Orleans up to Carrollton, north of St. Charles street, between St. Charles street and the swamps?

A. Well, in the immediate vicinity of St. Charles street the collections have been passable, but as you go further in the rear the collections there has been very few, in very few instances where there was any taxes due between, say, from Dryades to Rampart.

Q. On the line of what street?

A. Louisiana avenue or somewhere thereabouts. In fact, we never have collected any taxes there; with the exception of where there was improved property did we collect any taxes. Under acts No. 82 of 1884 and No. 92 of 1882 we sold some property for taxes.

Q. Then your opinion is that the State taxes have not been collectible between Dryades street and the swamps?

A. Yes, sir.

Q. Why has that been the case?

1343 A. Above Louisiana avenue, the sixth district—the sixth and seventh districts—I would presume that those parties why owned the property—I don't know positively, but the presumption is rather that they did not think the property was really worth it. In fact, I have made calculations in regard to that matter, and what attracted my attention to it was there was an attempt made by the Western Land Immigration Company to buy up all this land. They purchased a large batch of stuff that had been previously purchased by O. Dean Grotto. He had purchased that

stuff, I presume, to some extent, and settled for it under this act No. 92 of 1882. He would purchase batches of it, and sometimes there would be a lot of it at the same figures, and he turned it over in bulk to those people, the Western Land Immigration Company.

Mr. De Gray, solicitor for complainant, objects to the evidence on the ground that it is verbal testimony of transactions that are in writing. It is inadmissible, and is not the best evidence.

And I found very often that the taxes on the bill—I noticed usually that they would ask me to figure it up and see what it amounted to, interest, &c., and I did figure it up, some of it. Whenever taxes were due from 1880 to 1888, inclusive, that amount due on the property exceeded the amount of assessment, notwithstanding the previous purchase price or the previous taxes due.

Q. In considering the taxes due prior to 1880 what effort has the State made to collect the back taxes?

1344 A. It has made two; first under act No. 98 of 1882, wherein the property so sold was required to bring the amount of all the taxes, cost, and interest due prior to 1880; that was the first attempt; and in that manner the State of Louisiana acquired a lot of real estate of the sort we have been speaking about, and then she made another effort under another act, act No. 82 of 1884, and it provided in that act the giving of an absolute title to whoever would purchase it, and the purchaser to be the last and highest bidder; that was the second effort that was made.

Q. What amount has the State realized under those efforts?

A. Well, frankly speaking, nothing; the State has suffered a loss considerably.

Q. What has been the cost of those efforts?

A. I believe—I don't really know any figures, but I do know that there was an act of appropriation passed through the Legislature to pay the printing bills, which amounted to $75,000.

Q. For advertising?

A. Yes, sir; this property that we are speaking of; we all know that with but very few exceptions in the effort made to collect the taxes success was rare, as a general rule—that is, in regard always to the property we are speaking of, of which we have reference to in that rear portion of the city.

Q. You state that the advertising alone amounted to $75,000?

A. Yes, sir; about that.

(Signature of witness waived.)

(Signed) O. B. S. SANSUM, *Master.*

1345 A. E. AUBERTIN, being duly sworn as a witness for defendants, and examined by Mr. SAUNDERS:

Q. You are employed in the office of the civil sheriff of the parish of Orleans?

A. Yes, sir.

Q. For how long have you been employed there?

A. Going on seventeen years.

Q. Can you tell us anything in regard to whether separate books were kept for the drainage *fi. fas.*?

A. Yes, sir; there were separate books kept for them.

Q. What is your employment in the sheriff's office?

A. I am deputy clerk now.

Q. You had charge of the books?

A. Yes, sir.

Q. Have you examined the books containing the drainage *fi. fas.* and advertisements recently?

A. Yes, sir; last week.

Q. Have you prepared any statement of what they show?

A. That is the statement which you have right there in your hands.

Q. That is the statement which I have in my hands?

A. Yes, sir.

Q. Is this statement correct?

A. To the best of my knowledge, yes, sir; two of us worked on it—Mr. Parker and I.

Q. It shows the number of writs of *fi. fas.* issued?

A. Yes, sir.

1346 Q. Does it show the number of sales advertised?

A. Yes, sir.

Q. And the number of sales that took place?

A. Yes, sir.

Q. And it shows the amount of cash paid by the city of New Orleans?

A. Yes, sir.

Q. And it shows the number of adjudications to the different persons and the amounts realized?

A. Yes, sir.

Q. And it also shows the number of writs advertised and settled without sale?

A. Yes, sir.

Q. And the number of writs where the property was not sold for want of bidders?

A. Yes, sir.

Q. Also the number of writs stayed by judicial proceedings and the number of writs stayed by order of the city attorney?

A. Yes, sir.

Q. Well, was it correct?

A. Yes, sir.

Q. According to the books?

A. Yes, sir.

Q. Now, I noticed here that you have certain sales stated to have been sold to *bona fide* purchasers and other sales to the persons whose names are given. For instance, Norcross, Bowers, Cox, Harvey, and Delano. What do you mean by "*bona fide* purchasers?"

1347 A. Well, some of those people who bought the property for themselves to make use of it for their own benefit; they were *bona fide* purchasers, and the others I don't think a transfer ever took place.

Q. You mean that the *bona fide* purchasers were those outside of the ones such as I have named?

A. Yes, sir.

Q. You don't know whether they were any better than those I have named—Bowers, Norcross, Cox, Harvey, Delano, and so forth?

A. No, sir.

Q. You simply use the term *bona fide* to contradistinguish these from the others?

A. Yes, sir.

Mr. Saunders, solicitor for defendants, offers in evidence the statement referred to by the witness and marked "O. B. S., master, February 9th, 1889."

By Mr. HUNT:

Q. You are now a deputy clerk? You have not always been a deputy clerk?

A. Yes, sir.

Q. What particular part have you?

A. I have charge of the books, and I have been for 15 years and a half a tax clerk.

1348 Q. Is your knowledge familiar with the tax-payers, city and State taxes?

A. With the city and State taxes, but not much about drainage taxes.

Q. Have you ever been or are you often called upon in tax examinations?

A. I am. I attend to the sheriff's matters before the passing of titles—all the tax business.

By Mr. SAUNDERS:

Q. I see a statement in here of "Judicial costs paid by the city of New Orleans to the civil sheriff, nine hundred and fifty-nine dollars and fifty cents." Does that include the cost of advertising?

A. No, sir; actual cash. In some of them there was a copy of the *fi. fa.*, which was $2.00, and notice of seizure, $2.50; some of them amounted to $4.50; that was for the recording, where they were recorded.

Q. Then that does not include the cost of advertising?

A. No, sir; not the cost of printing.

Q. What was the average cost of advertising these sales?

A. It was according to how many squares there were advertised.

Q. Well, what was the average cost?

A. I suppose you could average them at about $9.00.

By Mr. SANSUM:

1349 Q. $9.00 for what?

A. For an advertisement; two or three takes the whole page.

Cross-examination by Mr. DE GRAY:

Q. I want to know what you mean by a *bona fide* purchaser?

A. A man who buys a piece of property and follows all the requiremtnts of law, pays his taxes, and tries to collect his revenues from it.

Q. Were not every one of these pieces of property that were bought at the sheriff's sales—did not the parties pay the amount that it was sold for to the sheriff?

A. I was not present when the sheriff was paid or when the amount was paid to the city; whatever transactions the parties had I don't know anything about; I can't tell you; I can't tell you whether there was any exchange of receipts; I did not make the settlements.

Q. Well, your books show that every sale that was made that the amount of money was paid for which the property was bid in?

A. Yes, sir.

Q. Was not such a purchaser a man who buys the property and pays his money for it; is he not a *bona fide* purchaser?

A. Well, sir, I will have to make a double answer to that. If a man buys a piece of property and conforms with the law and pays all his taxes, yes; but if he don't take possession and conform with the law, I don't think he is.

Q. Did they not take possession?

1350 A. No, sir; only in few instances.

Q. Did you not make a deed or procès verbal of sale to these persons who purchased the property?

A. I don't know whether it was a deed or procès verbal that was given; that was in another department.

Q. If a sale is made and the man pays his money for it, you would not consider him a *bona fide* purchaser at the time?

A. At the time; but if he did not comply with the law afterwards—if he did not pay all the city and State taxes due on this property and did not take charge of it.

Q. Could you make a deed to him or deed him the property and turn it over to him, if he didn't pay all the city and State taxes due on it?

A. The sheriff is ordered to sell that property under that special writ, and he done it; further than that he has nothing to do.

Q. Is it not a rule of — in the State of Louisiana, especially in reference to a sheriff's sale, when the sheriff gives a complete title the purchaser is given a procès verbal of the sale by the sheriff?

A. They didn't give any.

Q. Well, you don't know whether a title has been given, do you?

A. If a title had been given there would have been a mark or something on the books to show that.

Q. Did you see any marks or anything to show on the books that any of those parties whom you have classed as *bona fide* pur-

1351 chasers received any title to their purchase?

A. No, sir.

Q. Then in all of these sales where these people paid their money,

where the sheriff sold the property, and the people paid their money for the property, the sale was made and the people paid the money, and you have no evidence on the books or anywheres to show that they were *bona fide* sales or anything *bona fide* attached to them at all?

A. Well, in the face of it, it looks like a *bona fide* sale, but in my mind I don't think so.

Q. Then it is a matter of judgment with you whether these were *bona fida* sales or not?

A. I consider them *bona fide* sales where they paid the city and State taxes due on them, and that they would not do.

Q. Then, no matter how much money a man pays for property, as long as he doesn't pay the city and State taxes due on it, it is not a *bona fide* sale?

A. Yes, sir; I believe so.

Q. And out of all the sales that took place you have only marked eight as not being *bona fide* sales?

A. Yes, sir.

Q. And in classing them or in picking them out you have been guided by the process or upon the idea just stated by you?

A. Yes, sir.

Q. How many *fi fas.* were issued in 1875?

A. I have given a list of them from 1875 to 1879.

Q. Well, how many were issued in 1879?

1352 A. I don't know that.

Q. Look at that statement which I now hand you and state whether it is in your handwriting.

(Witness examines the same.)

A. Yes, sir; it is.

Q. Is that a correct statement of all the properties that were advertised by the sheriff?

A. Yes, sir; because I remember it is. That is in my own handwriting, made out of the same book.

Q. Will you say that there were over 1,500 executions that were issued, and the properties that were advertised for sale were 265, I think, or about that number?

A. Yes, sir; or 269.

Q. Why was it that no more was advertised?

A. I can't answer that.

Q. Isn't it a fact that the sheriff failed to find the parties or their representatives against whom the writs ran?

A. Yes, sir; a good many of them.

Q. Isn't it true that he failed to find all those except the ones that were advertised?

A. No, sir; oh, no.

Q. Why didn't he advertise the others?

A. I can't answer that question. Mr. Wurzberger had charge of the office at that time.

Mr. De Gray, solicitor for complainants, states that at a later date

he will offer in evidence the document referred to by the witness and marked for identification "O. B. S., master, February 9th, 1889."

1353 Q. Now, Mr. Aubertin, from January 3rd, 1876, to May 3rd, 1879, were there any writs issued or were there any properties advertised for sale?

A. Properties were advertised for sale; there may have been nothing in month of March; but I think——

Q. I ask you if there were any properties advertised for sale between January 3rd, 1876, and May 3rd, 1879?

A. Yes, sir.

Q. Where was it? I now show your statement, which purports to be a statement of all the property you have offered for sale, and I ask you to look at that statement and say whether there was a single piece of property advertised for sale between January 3rd, 1876, and May 3rd, 1879? Just take it and look over it.

By the MASTER:

Q. Now, Mr. De Gray wants you to look over this statement or paper and say whether there are any sales indicated upon it between dates mentioned—January 3rd, 1876, and May 3rd, 1879—and if you find none upon that statement say "I find none," and if you find any mention it—say "I find that there were no sales made."

A. I find none.

Cross-examination resumed by Mr. DE GRAY:

Q. Were there any advertisements that were made between those dates by the sheriff?

1354 A. Yes, sir.

Q. Point it out on the paper in your hands.

A. There they are, you see—"January 3rd, 1876, and January 4th."

Q. On what dates were they advertised?

A. The dates they were advertised I can't say, but the date of sale was January 3rd and 4th, 1876.

Q. From January 4th, 1876, to May 3rd, 1879, how many were there?

A. One property.

Q. Then from January 4th, 1876, to May 3rd, 1879, there was no property advertised at all?

A. No, sir.

(Signature of witness waived.)

(Signed) O. B. SANSUM, *Master.*

ALPHONSE RABOIN, being duly sworn as a witness for defendants, and examined by Mr. SAUNDERS:

Q. You have been connected with the tax collector's department of the lower district of the city of New Orleans for a number of years?

A. Yes, sir.
Q. How many years?
A. About twelve years.
Q. What were your districts?
1355 A. Second, third, and fifth districts.
Q. Below what street?
A. Canal street; the lower line of the city and the other side of the river—all of the Algiers district.
Q. What has been the character of the taxes as to collectibility in the lower part of the city—that is, between the lower line of the city, Claiborne street, and Florida Walk?
A. To that I answer that the collections around there were very poor.
Q. What do you mean by the words "very poor?"
A. The taxes on that property is not collectible.
Q. Take another area in that district, between St. Claude street, Claiborne street, the lower line of the city, and the Ursulines convent property.
A. That is also very poor collections.
Q. What do you mean?
A. That the property is not accessible; you can't reach it very well.
Q. What is the character of all the property down there in the area I have just mentioned? Is it valuable?
A. No, sir; it is not valuable.
Q. Now, going above Lafayette avenue, how do you collect in the district bounded by Lafayette avenue, Florida Walk, Elysian Fields street, and Claiborne street?
A. There ain't but one-third of that where collections could be made, and the balance is swamp.
Q. How do you collect in the area between Florida Walk,
1356 Lafayette avenue, Elysian Fields street, and the Bayou Gentilly or Metairie Ridge?
A. Well, each side of Gentilly road is good, but the balance is all swamp; the frontage is good there on the road.
Q. Do you collect the taxes there?
A. Very poorly; of course you are bound to collect some.
Q. What is the proportion?
A. They are very poor collections.
Q. Do you collect in the district bounded by Elysian Fields street, Marigny avenue, and Bayou Gentilly—that little triangle?
A. All that here is swamp and we collect very poorly from that, excepting this part on the Gentilly road.
Q. How do you collect in the area back of the fair grounds, as far back as Marigny avenue?
A. From Gentilly road to the fair grounds, that is fairly collected; the balance, nothing except that portion which is around the bayou is collected.
Q. What proportion of that area is collectible?
A. I can't say that in figures, but I can say that there are very little delinquents.

Q. How do you collect in the area behind the City park, between the City park and lake, to the right and left?

A. Between the Metairie Ridge and the lake there are no collections—that comprises the park—and beyond the park, on all that land lying between the Metairie Ridge and the lake, there are no collections made.

Q. How do you collect in the area bounded by the Me-
1357 tairie Ridge, Bayou St. John, Hagan avenue, and the New canal?

A. Fifty, sixty, and seventy per cent. taxes have been collected there.

Q. On the improved part of the property?

A. Yes, sir.

Q. Well, what part or what proportion of it is collected?

A. It is difficult to make an estimate; there may be fifty or sixty per cent. of it collected.

Q. Has the State in recent years made any efforts to collect the delinquent taxes due her?

A. Yes, sir; by advertising them for sale.

Q. What has been the results of those efforts?

A. They have been very effective; we have increased our rate of collections from 52 to 95 per cent.

Q. What has been your success in advertising the property for sale?

A. The cost for advertising has been very large, and the property, not being very valuable, has not realized in many cases enough to pay the principal on it.

Q. What was the general results of those efforts to collect the taxes; were they successful or unsuccessful?

A. They were successful—very successful—under act No. 98 of 1882.

Q. And act No. 82 of 1884?

A. Yes, sir.

Q. Well, were they successful—her efforts to collect the taxes?

A. The total delinquents in that area of the districts now
1358 represent five per cent. of the total roll.

Q. Do you know how much the city paid for advertisements under act 98 of 1882?

A. Under act 82 of 1884 the city did not contribute anything.

Q. How much did the State pay?

A. Under act No. 98 of 1882 I can't say; but under act No. 82 of 1884 the printing bill might have been $22,000 or $23,000.

Q. Were the efforts to collect the taxes of the State in the rear of the city, in the areas to which your attention has been called, successful?

A. As I stated before, the largest amount of delinquents on real estate are those lying in that portion of the district, but the best evidence of success is this: Our collections have been such on the total amount—on the whole—that it is now only five per cent. of what it was, including that on personal property.

Q. Have you any idea how much money the State realized by the sales under act No. 82 of 1884?

A. Yes, sir; very little.

Q. Did she realize much out of her sales under act No. 98 of 1882?

A. That is, the act has contributed much to enhance our collections—to improve our collections.

Q. Did the State realize much money under these sales?

A. Under act No. 98 of 1882 we did.

Q. A large amount?

1359 A. That is, we paid all our expenses incurred.

Q. Then the result of your testimony is that under act No. 98 of 1882 and No. 82 of 1884 the State collected nearly all of the delinquent taxes in the area that you have stated that the taxes were generally incollectible?

A. You can't very well join the two acts together, as their purport were entirely different. Act No. 82 of 1884 only bore upon certain taxes and the properties were to be sold at a sacrifice, and that put the property in the market.

Q. I want to know, sir, if you state under those two acts or either of them the State succeeded in collecting nearly all of the delinquent taxes on the property in the district of which you have just testified?

A. If you will concede that the fact of selling a piece of property on which was due $1,000 for $2.00 is collecting its total tax, then yes.

By Mr. SANSUM:

Q. Do you mean selling a piece of property upon which the taxes had been assessed for $1,000 and selling it for $2.00?

A. A piece of property upon which taxes had accrued for several years amounting to $1,000 and selling it for $2.00; we have sold some for $200 and $300, and we have sold some for fifty cents.

By Mr. SAUNDERS:

Q. What I want to know is this: Were the efforts to collect

1360 those taxes successful in the districts in regard to which you were first examined—that is, did you under the sales made under act No. 98 of 1882 collect the delinquent taxes?

A. We have.

Q. Did you collect them?

A. Yes, sir.

Q. You collected them?

A. Yes, sir; and the proof of that is the list grew smaller every year, and for 1887 we have made a showing of 95 per cent. collections, and in all the other districts.

Q. Mr. Raboin, I want to know this: Were the efforts made under act No. 98 of 1882 successful in collecting the arreared taxes due for which these sales were made in the districts in regard to which you have testified?

A. Well, sir, it was not really what we would call a successful

collection, because the amounts realized did not cover the amount due.

Cross-examination by Mr. DE GRAY:

Q. What was the amount due, for how many years?
A. It varied for from 2 to 8 years to 9 years.

By the MASTER:

Q. They were accumulated taxes from 2 to 9 years?
A. Yes, sir.

1361 Redirect examination by Mr. SAUNDERS:

Q. Your testimony relates to the districts of which you have first been examined?
A. First, second, third, fourth.
Q. How did the collections under those sales compare with the cost of making those sales?
A. Well, they left something over and above the expenses incurred.
Q. How much?
A. I haven't the figures presently in my mind, but it was in the neighborhood of five thousand dollars, to be divided between the city and State.
Q. Have you any idea of what was the aggregate amount of those tax sales?
A. No, sir. I think that $320,000 or $330,000 was the total amount due.
Q. In your estimate of the expenses did you include the amount of money that was paid by the State of Louisiana to the Daily States for advertising?
A. That was paid under that special law.
Q. What special law?
A. Act No. 82 of 1884.
Q. Were the efforts under act No. 98 of 1882 successful—that is, did the collections clear the expenses of the effort?
A. No, sir.
1362 Q. They did not?
A. No, sir.
Q. Why were the efforts under act No. 98 of 1884 more successful than the act No. 98 of 1882?
A. I don't know.
Q. Was there anything in the nature of the title obtained under the latter act which made the sales more desirable?
A. It was a final title.

Recross-examination by Mr. DE GRAY:

Q. Is it not true that all the lands outside of what you have described as being subject to poor collections are good lands?
A. Yes, sir.
Q. And on all that good land, the land outside of what you have

described here as being subject to poor collections, the taxes are collected very readily on that land?

A. Yes, sir; the taxes are collected on all that land that is good.

Q. Now, on this land where you made poor collections of taxes, is not all that land subject to overflow, and were they not low lands?

A. I can't say they were particularly subject to overflow.

Q. Well, were they drained and dry?

A. No; large areas of those lands were not drained.

Q. Isn't it a fact that that makes the land of small value because they are not drained?

1363 A. Possibly so; I think so.

(Signature of witness waived.)

(Signed) O. B. SANSUM, *Master.*

At this stage of the examination, all parties being present, it was agreed by all parties that the same be continued until this evening at one o'clock p. m.

1364 Circuit Court of the United States for the Eastern District of Louisiana.

JAMES W. PEAKE
vs.
THE CITY OF NEW ORLEANS. } No. 11614.

Testimony taken and documents offered on the 9th day of February, 1889, at one o'clock p. m., on the part of defendants and complainant in the above entitled and numbered cause on a reference before O. B. Sansum, Esq., master in chancery, at his office, No. 52 Camp street, New Orleans, La.

Appearances: R. De Gray, Esq., solicitor for complainant; Carleton Hunt, H. H. Hall, & White & Saunders, Esqrs., solicitors for defendants.

1365 L. J. FREMEAUX recalled as a witness for defendants, and examined by Mr. SAUNDERS:

Q. Look at this map.

(Witness is shown a map of the drainage districts of the city of New Orleans of the year 1873, and marked "O. B. S., master, February 9, 1889," and he looks at the same.)

Q. Was that map prepared in your office?

A. Yes, sir.

Q. From what was it prepared?

A. From the original in the office of the drainage department.

Q. Was there an original map prepared of it?

A. Yes, sir; of the drainage districts in sections.

Q. Showing the drainage districts?

A. Yes, sir.

Q. Is this a correct copy?

A. Yes, sir; it is as complete as it might be. The squares have not been drawn everywhere, because we had no time to make them.

Q. On the original every square is shown?

A. Yes, sir; perfectly.

Q. And this map is correct, then, as far as it goes?

A. Yes, sir.

Q. It correctly shows the boundaries of the different drainage districts?

A. Yes, sir.

Q. What do those large figures indicate in the different districts, first, second, third, and fourth?

1366 A. That indicates the different sections in that particular district, and they are made on a larger scale.

Q. You have maps on a larger scale of these different sections?

A. They were taken from the drainage books.

Q From the drainage plans also?

A. Yes, sir.

Q. Are those sections made correctly?

A. Yes, sir.

Q. They were traced, I suppose?

A. Yes, sir; they were traced on the original work itself.

Q. Were there any maps, plans, or drawings of the divisions in the second drainage district?

A. No, sir.

Q. But you have maps and plans for all of those divisions in the first, second, third, and fourth drainage districts?

Q. Yes, sir.

Mr. Saunders, solicitor for defendants, offers in evidence the map and the sections in which are the details of the general map and referred to by witness.

Q. Can you tell me what drainage work, if any, were completed by Van Norden or Van Norden's company to effect the drainage of the fourth district?

A. Not a spadeful of dirt has been moved in that district

1367 at the time.

Q. At the time?.

A. Yes, sir.

Cross-examination by Mr. De Gray:

Q. At what time?

A. At the time this map was made, in 1873.

Redirect examination by Mr. Saunders:

Q. Not since that time?

A. Not that I know of; I had quit the office, and they may have done something after I quit.

Q. Did Van Norden or Van Norden's company complete any canal or move the dirt to drain or protect from overflow the fourth drainage district?

A. No, sir.

Q. What works, if any, were completed by Van Norden or the company of which Van Norden was the transferee to drain or protect from overflow the land in the second drainage district, between Claiborne street and the river?

A. None, sir, except a canal called the Upper Line canal and a protection levee alongside, which was left there at the time.

Q. Did the upper protection levee and canal have any effect on the drainage of the second drainage district, on the land between Claiborne street and the Mississippi river?

1368 A. No, sir; because it was beyond the Metairie Ridge that the work was constructed.

Q. So that nothing was done by Van Norden; or, in other words, what was done by Van Norden or Van Norden's company to drain the fourth drainage district and protect it from overflow?

A. Nothing that I know of.

Q. Where is the Allard Place situated on this map?

A. There it is. (Witness shows the same). There is the old city park, and it was from there clear up nearly to Taylor's canal, in the first draining district.

Q. Can you tell whether the land on Metairie Ridge, east of the Allard Place, in the third drainage district, as far as the People's canal, the eastern boundary of the city, were better or worse drained than the Allard Place?

A. It had no effect on that at all.

Q. The drainage work had no effect on draining the lands on Metairie Ridge?

A. No, sir.

Q. What was the effect of the drainage on the lands on the Metairie Ridge, near the People's canal?

Mr. De Gray, solicitor for complainant, objects to the question on the ground that whether they were drained or not drained, whether the system was a good one or a bad one, does not concern the man who did the work. He did his work, and he did his work as his superiors required him to do it, and his compensation does not depend upon the wisdom or the folly of the design.

1369 Mr. Saunders, solicitor for defendants, states that this evidence is to show the uncollectibility of the taxes.

A. Well, the back portion of the ground on the Metairie Ridge in the rear was flooded by the entrance of the water from Lake Pontchartrain through the canal; all that land was flooded.

By Mr. HALL:

Q. In other words, the land between the ridge and the city was flooded by the opening of that canal?

A. Yes, sir; and at the time I was instructed by Mr. Bell to stop the water by putting a lock in the canal.

Mr. De Gray, solicitor for complainant, objects to the question and testimony on the ground that under the law it was the duty of

the city of New Orleans, at all times, to keep the drainage canals free of water.

By Mr. SAUNDERS:

Q. On these section maps, is the area of taxes indicated on them?
A. Yes, sir; whatever was in the books I copied.

By Mr. HALL:

Q. Are you now the assistant city surveyor?
A. No, sir; I am chief clerk in the office.
1370 Q. Chief clerk in the surveyor's office?
A. Yes, sir.
Q. And a civil engineer?
A. Yes, sir.

Recross-examination by Mr. DE GRAY:

Q. You know the Claiborne canal that is partially in the first and second drainage districts?
A. Yes, sir.
Q. Who deepened that canal?
A. That was done under Mr. Bell, when the late Mr. Bell was city surveyor. It was dug by a dredge-boat.
Q. Wasn't that a part of the drainage system for which drainage warrants were issued?
A. That may have been, but I don't know it, sir. I don't know anything about the warrants or whatever was done.
Q. I show you now a map marked "Plaintiff's Map No. 1," which purports to be a sketch of the drainage sections of the city of New Orleans, showing the present canals, the proposed protection levees, and reservoir canals, dated May, 1872, and I will ask you if you have ever seen that map before?

(Witness examines the map.)

A. Yes, sir; I have.
Q. You see the outlines that are marked on that map?
A. Yes, sir.
1371 Q. Doesn't that map clearly show the condition of the drainage work as it was at the time it was tendered over to the city of New Orleans?
A. Yes, sir.
Q. I show you that map and I will ask you about the Claiborne canal. The notes on this map say that the blue lines indicate the old canals widened and deepened?
A. Yes, sir.
Q. All the blue ones are those that were widened and deepened?
A. Yes, sir.
Q. And the red lines indicate the canals that were dug by the Mississippi & Mexican Gulf Ship Canal Company?
A. Yes, sir.
Q. Now, you were asked what was done towards the protection

and drainage of the fourth drainage district and you said nothing. Now, I will ask you whether or not the canal and the protection levee on Florida Walk had been continued about a half of a mile beyond Lafayette avenue.

A. It was not completed at all.

Q. I ask you if it had not been continued to about half of a mile beyond Lafayette avenue?

A. It was not continued. It was the same canal, because it was only the first digging, you know. It was not completed. It was just abandoned.

Q. That was the condition of it when it was turned over to the city?

1372 A. Yes, sir.

Q. And the city since that time has never done anything towards the completion of that drainage or to the protection from overflow of the fourth drainage district?

A. No, sir.

Q. Has the city of New Orleans done anything towards the completion of this system of drainage and protection from overflow, as indicated on this map?

A. No, sir; nothing has been done.

Q. Nothing since the transfer from the Mexican Gulf Ship Canal Company, Van Norden, transferee, to the city of New Orleans. Nothing has been done, has there?

A. Well, I don't know anything about the transaction of Mr. Van Norden and the city of New Orleans.

Q. Well, has anything been done since the transfer?

A. Not at all; but whether it was Mr. Van Norden or any other company I don't know. I don't know of anything that has been done.

By Mr. SAUNDERS:

Q. Are the section maps of the first drainage district numbered from one to eight consecutively? Are those sections correct copies of the original, as shown on the books?

A. Yes, sir.

Q. They are exact tracings?

A. Yes, sir.

1373 Q. What do the figures of dollars and cents marked at the bottom of each of those maps indicate?

A. The last amount put at the end of the book of the drainage tax.

Q. Showing the amount of the assessments that had been levied against the land mentioned in those particular sections?

A. Yes, sir.

Q. Here are the drainage section maps of the fourth drainage district, numbered from 1 to 4 consecutively, and a grand recapitulation of the fourth draining district. Are those all correct section maps of that district?

A. Yes, sir. That is also tracings from the book and recapitulation traced from the book.

Q. Now, the figures at the bottom of the section maps indicate what?

A. That indicates the amount of lands in those sections.

Q. That is, the area in feet?

A. The amount in superficial feet of the sections.

Q. Where were those measurements taken from?

A. From the books.

Q. Are the section maps of the third drainage district, numbered from 1 to 10 consecutively, correct maps of the different sections of the third drainage district?

A. Yes, sir.

Q. I noticed on some of them you haven't given the area in square feet?

A. Some of them may not have been copied, as we made
1374 them in such a hurry, but all those that passed in my hands are complete.

Q. Can you complete them?

A. Yes, sir,

Q. Well, will you complete them?

A. Yes, sir; I will put the amount of the area of each section.

Q. Well, they are correct maps of the different sections of the third drainage district, are they not?

A. Yes, sir; they are exact tracings from the books—all of them.

Mr. Saunders, solicitor for defendants, offers in evidence the tracings of the original section maps of the different drainage districts, the same being exact tracings, as testified to by the witness.

Q. Now, in regard to this map which you have just produced, look on that map and state what is the character of the lands in sections five, six, seven, and eight in the first drainage district.

A. It is swamp.

Q. What is the character of the lands in sections 6, 7, 8, 9, and 10 in the third drainage district?

A. All swamp, sir.

Q. What is the character of the lands along Bayou Gentilly?

A. That is the ridge; that is the land, as I said before, that at all seasons of the year is dry.

Q. What part of 6 is swamp and what part of 5 and 10 is
1375 swamp, if any?

A. Well, for about ¼ of a mile on both sides of Bayou Gentilly covers all the land that is high on that Metairie Ridge; the balance is swamp lands.

Q. What kind is the character of the lands in section 2 of the third drainage district east and north of the fair grounds?

A. It is so covered by buildings that it is very difficult to find out that, although there is a part of it that is swamp, in there near *of* the Marigny canal.

Q. Back of the fair grounds and between the fair grounds and Marigny canal what is the character of all the land?

A. That is swamp.

Q. What is the character of the lands in the second drainage district between Claiborne street and Metairie Ridge?

A. That is swamp also. I have been making a survey all through there last week.

Q. What is the character of the lands between Claiborne street and St. Charles street in the second drainage district?

A. It is very low land, sir.

Q. All of it?

A. All of it is very low; a very large area of it is low.

By Mr. HALL:

Q. Up to within what distance of St. Charles street or St. Charles avenue?

A. About three or four squares between the river and St. Charles avenue may be called high, but the balance is very
1376 low land.

Q. I mean to say up to what distance of St. Charles avenue on the north side is the swamp or the low land reached?

A. Within a few squares.

By Mr. DE GRAY:

Q. You say that St. Charles street, where it runs through the Foucher tract, do I understand you to say that at that point, for instance, it is low land within 2 or 3 squares of St. Charles street?

A. Well, precisely the number of squares I can't tell you, but six squares from there you are sure to be in the mud.

Q. Can't you stand on St. Charles street from there and walk back for a half of a mile before you get to the swamp?

A. No, sir; of course, on the road it is.

Q. But right across the field?

A. No, sir.

Q. Don't you know that there was an attempt to buy that property there so as to make a race course of it—of that land running back at least a half of a mile from St. Charles street—about a month ago?

A. I know that I surveyed that land not a month ago and I was in the mud all the time.

Q. Well, how far back were you?

A. I went through the whole of it. The front portion of it has been fenced in and occupied for a kind of a dairy.

Q. Now, all this land which you have mentioned here in
1377 these drainage districts is low because it is not drained

A. Yes, sir; it is low naturally and it is undrained.

(Signature of witness waived.)

(Signed) O. B. SANSUM, *Master.*

By Mr. SANSUM:

Q. Could it be drained successfully?

A. With a great deal of work; yes, sir.

B. M. HARROD recalled as a witness for defendants, and examined by Mr. HALL:

Q. Look at this map, which is marked "O. B. S., master, February 9 1889," and state whether it was made in your office under your supervision.

A. Yes, sir.

Q. As testified to by Mr. Fremeaux, it is a copy of the drainage map on file in the city hall?

A. Yes, sir.

Q. Are you familiar with the general condition and elevation of the lands as shown by this map?

A. Yes, sir; I think so, sir.

Q. Please state what effect upon the lands in the second drainage district has all the work indicated upon the map which has been done by Van Norden or his company towards draining and
1378 protecting the land between St. Charles avenue and Claiborne street.

A. I don't think that it would contribute to its drainage.

Q. What effect has the work that has been done upon the land as indicated upon this map in draining the land in the second district lying between St. Charles avenue and Claiborne St.?

A. It is entirely undrained now; the work that has been done has not contributed materially to its being drained.

Q. Has the land lying between St. Charles avenue and the river been benefited in any way?

A. I think not; the actual state of the case is this: That there is a slope on the river—there is a slope enough near the river and approximately for from 3 to 4 blocks off St. Charles street to carry off the water; it then reaches the swamp practically without grade or slope and it is undrained.

Q. Does the Upper Line canal have any effect in draining that land which you have just described?

A. Well, that land would be——

Q. But I mean as it now stands?

A. It could be connected with the Upper Line canal and put a pump there; assist it in that way.

Q. So far as the work has been done, does it have any effect whatever in draining that land?

A. No, sir; not the Upper Line canal.

Q. Has the work that has been done in the fourth drainage district had any influence upon the lands in that district—that is, in draining or protecting it?

A. No, sir. You mean the work done as shown on this map?
1379 Q. Yes?

A. No, sir.

Q. What effect, if any, has these drainage works as indicated upon this map or maps had upon the lands lying in the rear of the Metairie Ridge?

A. The rear slope of the Matairie Ridge has been naturally high, and it was never affected by anything that has ever been done.

Q. The rear slope towards Lake Pontchartrain?

A. Yes, sir; but the front slope towards the city has been to some extent benefited by the interior canals and the drainage machines that are upon them.

Q. Where there are no inside draining canals, what has been the effect upon the lands as indicated upon this map and situated on the Metairie Ridge by the cutting or deepening of the People's avenue canal?

A. The People's avenue canal has had no effect whatever as a drainage canal; it has had the effect of an overflow canal by opening a track for the incursion of the lake water, which was not done before that.

Q. Do you know the general condition or elevation of the Allard tract, near the City park?

A. It ranges from, I think, on the Metairie Ridge, part of it just about 4 feet, 4¼ above mean tide in the lake, and after you come to the swamp it is strictly tide land.

Q. Well, now, what material difference, if any, as to overflow and drainage is there between that tract of land and the
1380 other lands lying along the ridge?

A. I think on the ridge it is generally dry. All this property on the ridge and back is tidal swamp in the rear.

Q. What is the comparative benefit or detriment conferred by the drainage system upon the other lands lying along the Metairie Ridge as compared to the benefit or detriment to the Allard tract—substantially the same or different?

A. I think they pair about the same. I see no reason why there should be any difference.

Q. Now, looking on that map, in the second drainage district, what is the character of the land lying between the Metairie cemetery and Lake Pontchartrain?

A. It is swamp land.

Q. What is the character of the land in the first drainage district in the sections Nos. 5, 6, 7, and 8, except in so far as it concerns the land lying on the Metairie Ridge?

A. If you go 1,000 or 1,200 feet back of the Metairie Ridge it is a tidal swamp.

Q. What is the character of the lands in the sections 5, 6, 7, 8, 9, and 10, in the third drainage district, except that land lying along the Metairie Ridge?

A. It is all swamp except the ridge, which has an elevation of about 4 feet.

Q. What is the character of the land in the fourth drainage district? I wish you would give a general statement in regard to that.

A. I would say that the slope on the river is lost at about
1381 3 or 4 blocks before you reach Claiborne street and back of that everything is swamp land.

Q. Now, indicate the place on the map as to where the line of the Metairie Ridge is. Give us a description of it.

A. The Metairie and Gentilly Ridges form a continuous ridge.

Above Bayou St. John it is called Metairie; below it is generally called Gentilly Ridge.

Q. Indicate on this map by what lines it is indicated.

A. By the line which runs between the Metairie cemetery and the Oakland riding course and passes through the first district, along the river side of the City park. It passes through the fair grounds and then passes or follows the line of Bayou Gentilly down.

Q. What is the average width of the ridge?

A. I don't know. I think it is about 5 acres on each side—about 200 feet on each side.

Cross-examination by Mr. DE GRAY:

Q. Major Harrod, is the city of New Orleans protected from overflow from the crevasses on its upper side?

A. Partially; I can't say that it is entirely protected.

Q. Where, how, and by what is it protected?

A. There is an upper protection levee, which is shown on these maps to extend to about 400 feet of the river. This protection levee is a levee of about 5 feet to 6 feet high. I think at its end
1382 nearest the river the city is unprotected on account of this gap that is existing there, and I think on account of the want of grade at the end of it at the river.

Q. The only difficulty, then, would be for about four squares from the river, where it is not finished in that space?

A. Yes, sir; the want of grading would extend further back than that, I think.

Q. That is the only protection the city of New Orleans has from overflow from the upper side?

A. Yes, sir; from river overflow.

Q. Have you ever known of a crevasse to be there?

A. Yes, sir.

Q. And it inundated the city of New Orleans?

A. Yes, sir.

Q. To what extent?

A. I think in the Sauve crevasse of 1849 we used to take boats at the corner of Baronne and Canal streets. I think in the crevasse immediately before the war, or the first year of the war, the water was at the corner of St. Charles street and Louisiana avenue.

By Mr. SANSUM:

Q. Where did those crevasses occur?

A. I have forgotten the exact location.

By Mr. DE GRAY:

Q. It was above Carrollon?

A. Yes, sir.

1383 By Mr. SANSUM, master:

Q. Has there been any crevasses since then?

A. No river overflow since then; none in the city since then.

By Mr. DE GRAY:

Q. How high is this protection levee or upper protection levee at the lake?

A. I speak from memory. I should think it was 6 feet high. The levee there is fully sufficient for the purpose it was intended, only it needs grading in front.

Q. It needs grading, you think, in Carrollton?

A. Yes, sir.

Q. It does?

A. Well, practically, through all four of the drainage districts it runs.

Q. Where does it on this map? Show it to me.

A. It has numerous different outlets. It don't all empty in one place in the upper districts. It goes out through the Dublin tail-race in the first district. It goes through the Bienville, and so on through the different machines.

Q. Don't it also empty into the upper protection canal?

A. There is a dam across the upper protection canal, on the river side, of fourteen feet.

Q. Now, which way does the water in the Claiborne canal run? Don't the water at the two ends of the Claiborne canal in the second drainage district run towards Carrollton?

1384 A. No, sir; towards a point near the middle it takes the Dublin avenue canal, and then running down to the Dublin avenue draining machine.

Q. And the drainage machine fetches where?

A. In the upper protection canal, which I have already spoken of.

Q. Then the system of drainage which is now in force does drain that portion of the second district, doesn't it?

A. It drains that portion of the land there that is accessible to that canal, but that area of the district which is not is entirely undrained and has no feeders to the Claiborne canal.

Q. Where does the Claiborne canal get its water?

A. When the swamp overflows, that part of the swamp near Claiborne street, which I have described, runs into Claiborne canal.

Q. Well, then, it does get in that canal without any feeders?

A. Only when there is an overflow, and seepage water also.

(Signature of witness waived.)

(Signed) O. B. SANSUM, *Master.*

Mr. Hall, solicitor for defendants, offers in evidence the city charter of 1870, and it is agreed that both parties may read from any act of the Legislature of the State of Louisiana bearing upon this case, without the same being formally offered in evidence, with the same effect as though it was offered in evidence.

1385 Defendants close their case.

Mr. De Gray, solicitor for complainant, proposes to offer a copy of the report made by the commissioner of public works to the honorable the mayor and common council of the city of New Orleans by

E. T. Leche, commissioner of public works, published in the New Orleans Times-Democrat of September 5th, 1888.

Also offers in evidence an extract of a bill of sale from Jules Guibelate to the Mutual Loan & Building Company, dated November 7th, 1888.

Also extract of act of sale of Henry F. Coburn to Martin Joseph Goerther, dated Nov. 8, 1887.

Also extract of act of sale from P. O. Sterk to Henry Le Gendre, dated August 11, 1888.

Also extract of act of sale from Henry Herzog to Jules Guibelate, dated November 13, 1886.

Also extract of act of sale from Mrs. L. Chaurant to Felix Cheval, dated July 15, 1878.

Also act of sale of J. B. Ward and U. Grotto, Jr., to D. Baiulin, dated November 16, 1887.

Also of J. J. Weckerling to E. Marqueze, dated February 11, 1888.

Also of Mrs. Diriocourt to Wm. P. Conway, dated July 29, 1878.

Also act of sale from Henry Newman to E. H. Chadwick, dated April 22nd, 1885.

Also George A. Hero to E. H. Chadwick, dated July 23rd, 1885.

Also of Dennis Cloney to E. H. Chadwick, dated October 6th, 1887.

1386 Also of W. D. Hoyle to Rebecca Camagan, dated July 8th, 1886.

Also from Thos. Lafon to E. H. Chadwick, dated February 9th, 1884.

Also from Joseph Santinis' widow to E. H. Chadwick, dated December 6th, 1883.

Also from Rebecca Hoyle to Chas. G. Schultze, dated 24th of October, 1882.

Also of John Fitzgerald to Wm. Gordon, dated June 26th, 1867.

Also of E. Garnet to Robert Upshur, dated February 16th, 1888.

Also extract of act of sale of George Jonas, president of the Canal Bank, to George L. Bright and Jacob McWilliams.

Also a certified copy of the record in the case of The State of Louisiana on the relation of George L. Bright against The Recorder of Mortgages, No. 18021 of the civil district court.

Also a certified copy of the proceedings in the case of The State of Louisiana on the relation of Bradish Johnson against The Recorder of Mortgages, No. 10008 of the docket of the civil district court.

Also extract of sale of Bradish Johnson to T. Thomes Higgins, Jr.

Also of Bradish Johnson to F. B. Mun, Jr., dated October 16th, 1884.

Also extract of sale of Bradish Johnson to the Louisiana Sugar Refining Company, dated June 27th, 1884.

Also extract of act of sale from E. H. Chadwick to Sam. Fox Nicholls, dated June 11th, 1888.

1387 Also extract of act of sale from A. Doriocourt, Jr., to Fred. Chateax, dated July 27th, 1888.

Also the process verbal of the sale of the property by Myra Clarke Gaines to various parties, dated June 20th, 1871, together

with the map thereto attached, on which are indicated the prices that the property brought.

Also produces a copy of the book in the city hall of the 7-30 certificates issued to Roselius & Philips, which has been referred to heretofore.

Also the statement showing the pieces of property in the various drainage districts seized by the civil sheriff and advertised for sale by said sheriff and the results obtained, which was to be offered and is now offered, marked "O. B. S., master, February 9th, 1889."

Complainant closes his case.

The entire case is closed and publication of testimony is waived.

1388 United States Circuit Court in and for the Eastern District of Louisiana.

JAMES W. PEAKE, Complainant,
vs.
CITY OF NEW ORLEANS, Defendants. } No. 11614.

Testimony taken by consent before Hon'l O. B. Sansum, master in chancery, at his office, in the city of New Orleans, No. 52 Camp St., Tuesday, April 23rd, 1889, by John T. Michel, Esq., stenographer, subject to all legal objections save as to time, manner, form, and place of taking.

Appearances: Richard De Gray, Esq., for complainant; E. D. Saunders, for defendants.

1389 Mr. JOHN L. NEWMAN sworn for the defendants.

By Mr. SAUNDERS:

Q. Mr. Newman, have you examined document marked "O. B. Sansum, X," April 14th, 1888, and entitled "Account of work done in the several drainage districts by the Mississippi & Mexican Gulf Ship Island Canal Co., as per the bill book on file in the office of the city surveyor?"

A. Yes, sir.

Q. Have you compared that statement as it is now written and filed with the original books from which it was taken—that is, the city surveyor's bill book?

A. Yes, sir; I have.

Q. Is this statement correct transcript from the said book—is it a correct transcript from the entries referred to in the said book?

By Mr. DE GRAY: I object to the question on the ground that the statement referred to in the question has been already furnished by the city of New Orleans under a *subpœna duces tecum* in the suit No. 10810 of the docket of the circuit court of the United States in and for the eastern district of Louisiana, and that it has remained in the record from that time, and that there has been no attempt at contradiction or explanation of any kind, and that it is now too late for

the defendant to attempt to come in and change its own statements heretofore furnished.

1390 By the MASTER: The objection is overruled and the evidence allowed to go in.

A. No, sir.

By Mr. SAUNDERS:

Q. Have you yourself made a copy of the entries from the said book referred to in this statement?

A. Both I and Mr. Joubert made the copies, and we went over and I checked the work myself. He called off and I checked the work.

Q. Have you verified these statements?

A. Yes, sir; I did.

By Mr. SAUNDERS: I offer in evidence the statement taken from the bill book of the city surveyor showing the work done by the Mississippi & Gulf Ship Island Canal Company in the first, second, third, and fourth drainage districts from the commencement of the work, in 1871, up to June, 1876, the said statement being marked "O. B. Sansum, M., April 23rd, 1889."

By Mr. DE GRAY: I object to it on the ground that the document comes too late.

By Mr. SAUNDERS:

Q. From this statement can you tell what amount of work—miscellaneous work—was done by the Mississippi & Mexican Gulf Ship Island Canal Company in the four drainage districts?

A. From that book I find that it is one million nine hundred and sixty-four thousand seven hundred and fifty-two and .79½ dollars' worth of surveyor's certificates issued.

By Mr. DE GRAY:

1391 Q. Of surveyor's certificates issued for drainage warrants?

A. Yes, sir.

By Mr. SAUNDERS:

Q. Were there any other entries in the said book relative to the Mississippi & Mexican Gulf Ship Canal Company for work done?

A. No, sir.

Q. This is a statement of everything in the surveyor's book?

A. Yes, sir; everything in that book.

Q. State generally what are the causes of discrepancy between these two reports or two statements.

A. Errors in the other statement. For instance, if you take under the date of September, 1871, there is a mistake of five thousand and seventy-five and $\frac{50}{100}$ dollars ($5,075.50).

By Mr. DE GRAY:

Q. Well, in some places there are omissions and in some places the same thing has been charged twice.

A. Yes, sir; and not only that; the figures have been placed incorrectly in the list.

By Mr. SAUNDERS:

Q. Point out one of the largest errors here.

A. Here is one of one hundred and fifty-two thousand five hundred and forty-one dollars ($152,541.00).

By the MASTER:

1392 Q. Under what date and in what district?

A. Second district.

Q. Under what date?

A. Under date of December, 1873. He has got here one hundred and fifty-two thousand five hundred and forty-one dollars and one hundred and thirty-seven thousand two hundred and eighty-seven dollars, making a total of two hundred and eighty-nine thousand eight hundred and twenty-eight dollars of work, all done by the Mississippi & Mexican Gulf Canal Company, but he forgot to give a credit of one hundred and fifty-two thousand five hundred and forty-one thousand dollars and a credit of eighty-five — eight hundred and four and $\frac{12}{100}$ dollars of certificates issued previously.

Q. In other words, he gave the entry without giving the credit on the entry?

A. Yes, sir.

Q. And there are other entries in the statement offered of the same kind and of the same character where he omitted credits?

A. Yes, sir,

Q. And other entries where he got them duplicated?

A. Yes, sir.

Q. And that causes the difference?

A. Yes, sir.

Q. And that statement that you offer now is an exact copy from the books?

A. Yes, sir.

By Mr. DE GRAY:

1393 Q. You mean it is a copy of the entries pertaining to the drainage business?

A. Yes, sir.

Admission.

It is admitted that on the 15th April, 1889, the complainant offered in evidence suit No. 9384 of the circuit — of the United States, entitled John Crossley & Sons *vs.* City of New Orleans, the proceedings of the court being offered, but not the exhibits or the records.

Also, on the same day, the complainant offered in evidence record No. 9935, same plaintiffs against the same defendants, same court, commenced in the civil district court of the parish of Orleans, and thence subsequently removed to the Federal court under the No. 9935.

Also, on the same day, the complainant offered in evidence record No. 10337, same plaintiffs against the same defendant. They are offered to show that suits of the same character mentioned in this bill of complaint were filed on the dates last above mentioned, and that they are still pending.

By Mr. SAUNDERS: Defendants object to the offer on the ground that they come too late. Further, that they are entirely irrelevant to any of the issues involved in this suit.

By the MASTER: Objection overruled and the evidence admitted.

(Signed) O. B. SANSUM, *Master.*

1394 *Agreement as to Transcript. Filed May* 29, 1889.

J. W. PEAKE
vs.
CITY OF NEW ORLEANS. } No. 11614.

For the purpose of saving costs it is agreed that in case of appeal all maps and plans in evidence in this cause may be sent up in the original, and, further, that any and all statutes or decisions offered in evidence and to be found in the printed laws of the Legislature and reported decisions of the courts are not to be copied in the record.

That the same may be used in the Supreme Court as they are found in the printed laws and reports.

It is further agreed that this stipulation is in no way to prejudice any right which either party has or might have had if the same had not been made.

New Orleans, La., May 27th, 1889.

(Signed) HARRY H. HALL,
WHITE & SAUNDERS,
Of Counsel.

(Signed) RICHARD DE GRAY,
Solicitor for Complainant, J. W. Peake, and Intervening Complainant, Mary J. Mitchell, Executrix, &c.

(Signed) CARLETON HUNT,
City Attorney.
T. J. SEMMES,
Att'y for James Jackson, Intervenor.

1395 *Decree. Entered and Filed May* 31, 1889.

United States Circuit Court, Eastern District of Louisiana.

JAMES WALLACE PEAKE
vs.
THE CITY OF NEW ORLEANS. } No. 11614.

This cause came on to be heard on the pleadings, master's report, exceptions thereto, and the proofs on file, and was argued by counsel.

Upon consideration whereof it is ordered, adjudged, and decreed that said exceptions to said master's report be sustained and the statement of the account by the master be amended so as to conform to the opinion of the court herein, and that the bill be dismissed at the cost of complainant.

In open court, May 31st, 1889.

(Signed) DON A. PARDEE,
Circuit Judge.
EDWARD C. BILLINGS,
District Judge.

Motion and Order for Appeal. Entered and Filed June 1st, 1889.

1396 United States Circuit Court, Eastern District of Louisiana.

JAMES WALLACE PEAKE
vs.
THE CITY OF NEW ORLEANS. } No. 11614.

On motion of Richard De Gray, solicitor for complainant, James W. Peake, and Mary J. Mitchell, executrix, &c., intervening complainant, and of Thomas J. Semmes, solicitor for James Jackson, intervening complainant, and on suggesting to the court there is error in the final decree herein rendered on the 31st day of May, 1889, to their prejudice, and they desire to appeal therefrom—

It is ordered that said complainant and intervening complainants be allowed an appeal from said decree, returnable to the Supreme Court of the United States on the second Monday of October, 1889, upon giving bond in the sum of five hundred dollars, the same to operate as a supersedeas.

1397 UNITED STATES OF AMERICA:

Know all men by these presents that we, James Wallace Peake, Mary J. Mitchell, executrix of the last will of Richard D. Mitchell, deceased, and James Jackson, as principals, and D. M. Kilpatrick, as surety, are held and firmly bound, jointly and severally, unto the city of New Orleans in the sum of five hundred dollars, lawful money of the United States of America, to be paid to the said city of New Orleans, its successors and assigns; for which payment, well and truly to be made, we bind ourselves and each of us by himself and each of our heirs, executors, and administrators firmly by these presents.

Sealed with our seals and dated the first day of June, in the year of our Lord eighteen hundred and eighty-nine.

Whereas the said J. W. Peake, M. J. Mitchell, executrix, & James Jackson, having heretofore, to wit, on the first day of June, 1889, taken an appeal to the Supreme Court of the United States from and to reverse the decree rendered on the 31st day of May, 1889, by the circuit court of the United States for the fifth circuit, holding sessions in and for the district of Louisiana, in the suit of James Wallace Peake, complainant, and Mary J. Mitchell, execu-

trix, &c., and James Jackson, intervening complainants, *vs.* said city of New Orleans, No. 11614 of the docket thereof:

Now, the condition of the above obligation is that if the above-bounden James W. Peake, Mary J. Mitchell, executrix, & James Jackson shall prosecute said appeal to effect and shall answer all damages and costs if they shall fail to make good their plea, then this obligation shall be void; otherwise to remain in full force and virtue.

(Signed) JAMES WALLACE PEAKE, [L. S.]
By RICHARD DE GRAY, *Solicitor.*
MARY J. MITCHELL, *Executrix.* [L. S.]
JAMES JACKSON. [L. S.]
D. M. KILPATRICK. [L. S.]

Signed, sealed, and delivered in the presence of—
(Signed) THOS. J. SEMMES.

Bond approved.
(S'g'd) EDWARD C. BILLINGS, *Judge.*

June 1, 1889.

1398 [Endorsed:] No. 11614. United States circuit court, district of Louisiana. James Wallace Peake *et al. vs.* The City of New Orleans. Bond for appeal. Filed June 1st, 1889. ——, clerk.

UNITED STATES OF AMERICA, *District of Louisiana,* } *ss:*

Personally appeared —— ——, who, being duly sworn, deposes and says that he is the surety on the within bond; that he resides —, and is worth the full sum of — dollars over and above all of his debts and liabilities and property exempt from execution.

—— ——.

Subscribed and sworn before me this — day of ——, 187–.

——,
Commissioner U. S Circuit Court, District of Louisiana.

1399 United States of America, Circuit Court of the United States, Fifth Circuit and Eastern District of Louisiana.

CLERK'S OFFICE.

I, Edward R. Hunt, clerk of the circuit court of the United States for the fifth circuit and eastern district of Louisiana, do hereby certify that the foregoing 1,397 pages, comprised in four volumes, contain and form a full, complete, true, and perfect transcript of the record and proceedings had, together with all the evidence adduced, on the trial of the case of James Wallace Peake *vs.* The City of New Orleans, No. 11614 of the docket of the said court, except the drainage warrants offered on behalf of Mrs. Mary J. Mitchell, intervening complainant, which were withdrawn by her attorney of record and

could not be obtained in time to be copied in this transcript. (See page 680.)

Witness my hand and the seal of said court, at the city of New Orleans, this 14 day of September, A. D. 1889.

[Seal U. S. Circuit Court for the 5th Circuit & Eastern District of La.]

E. R. HUNT, *Clerk.*

I, Edward C. Billings, United States judge for the eastern district of Louisiana, do certify that Edward R. Hunt, whose name is signed to the above certificate as clerk of the circuit court of the United States for the fifth circuit and eastern district of Louisiana, was, at the time of signing said certificate, and is now the clerk of said court; that said certificate is in due form of law, and that full faith and credit are due to his official attestations as such clerk.

Given under my hand, at the city of New Orleans, in said district, this 14 day of September, A. D. 1889.

EDWARD C. BILLINGS, *Judge.*

1400 *Opinion. Filed May* 31, 1889.

United States Circuit Court, Eastern District of Louisiana.

JAMES WALLACE PEAKE
vs.
THE CITY OF NEW ORLEANS. } No. 11614.

The complainant, having obtained a judgment on the law side of the court against the city of New Orleans merely as trustee of the "drainage fund" upon certain warrants drawn by the city against that fund, has instituted this suit in equity against the city for an accounting as trustee of the drainage fund.

The cause is submitted for a final decree upon the pleadings and proofs.

There are also exceptions to the conclusion reached by the master upon the law and the facts. These involve the answers to the questions fundamental to a decision of the cause upon its merits, and therefore the matter before us is what judgment ought to be renderd upon the pleadings and the evidence.

In the year 1858 the Legislature of Louisiana adopted a system of leveeing and drainage in the parishes of Orleans and Jefferson to be effected through several boards of district commissioners, and provided for raising the necessary funds by authorizing the levy
1401 of a uniform assessment or assessments upon the superficial or square foot of lands situate within the draining sections or districts. The Legislature of 1859 and 1861 supplemented this act, but left the boards of commissioners unchanged.

The commissioners for the several draining districts continued in office until April, 1871, and some canals had been dug by them, but the extent thereof is not shown. In this condition of affairs the Legislature passed act No. 30 of 1871, which abolished the boards of

draining commissioners, transferred to and subrogated the board of administrators of the city of New Orleans to all the rights, powers, and facilities enjoyed by said commissioners, and directed said administrators to collect the balance due of the assessments as shown by the books of the first and second drainage districts, which assessments were confirmed and made exigible. The board of administrators was also directed by the said act to make assessments of two mills per superficial foot on the lands in the third draining district and such other lands as might be brought within the protection levees contemplated by the said act No. 30 of 1871, and said board of administrators were directed to enforce and collect said assessments, and all funds collected were to be placed to the credit of the Mississippi & Mexican Gulf Ship Canal Company (the corporation that was to do the work under said act No. 30 of 1871), and held as a fund to be applied solely for the drainage of New Orleans and Carrollton.

The width and depth of the canals as dug and the protection levees as built under said act were to be measured by the city surveyor, to be certified by him, and the administrator of public accounts in the city of New Orleans, on presentation to him
1402 of said surveyor's certificate, was to draw his warrant on the administrator of finance in payment of said work at the rate of 50 cents per cubic yard for excavations made and 50 cents per cubic yard for levees built.

The warrant thus drawn it was made the duty of the administrator of finance to pay on presentation, in case there should be any funds in the city treasury to the credit of the said Mississippi & Mexican Gulf Ship Canal Company; but should there not be sufficient funds to pay, then said administrator of finance was required to endorse upon the same the date of presentation, after which date the said warrants were to bear interest at the rate of 8 per cent. per annum until paid.

The first question presented by the exceptions to the master's report and by the case itself on the merits is whether the city, as a municipal corporation, is indebted to the drainage fund for an assessment to the amount of some $700,000 upon the public streets and public squares.

The Legislature levied a tax upon a certain area, and by a subsequent act made the owners personally liable. It is difficult to conclude that the Legislature ever meant to subject public things to a lien for a tax, which, of course, would carry with it the right to foreclose the lien and to sell the public thing.

Again, it is difficult to see how the city of New Orleans, who is simply charged with the administration of a public thing, is an owner.

As an original question, we should be inclined to hold that the assessment levied was intended by the Legislature to be put
1403 upon the property within the designated area exclusive of the public streets and squares. On the other hand, the commissioners actually assessed the public streets and squares and put down the city as owner, apparently in accord with the views of the

supreme court of the State as expressed in Drainage Co. case, 11 Ann., 377, decided under the drainage act of 1835, and the Legislature thereafter (act No. 30, 1871) affirmed the assessments already made.

This point need not be definitely decided by us, as, even if the city owed the amount of this assessment to the fund, it has, in our opinion, according to the proofs, much more than paid it.

The second question we are called upon to decide is, Does the evidence establish any such neglect or misapplication or diversion in the administration of the drainage fund as to make her liable as a municipal corporation?

It is important to observe that it is admitted that early warrants drawn and out against the drainage fund up to January 1st, 1875, had been fully paid and retired; that the constitutional provision prohibiting the city's debt from being increased in any manner whatever went into operation on that day, and that the complainant's warrants were drawn after that day.

It has been urged that the contract of the Mississippi & Mexican Gulf Ship Canal Company, under act No. 30 of 1871, out of which the drainage warrants arose, could not be impaired by the constitutional amendment. This is conceded. But that contract stipulated only for the issue of warrants to be drawn against the drainage fund, and the constitutional amendment allows this. But
1404 this does not help the complainant. The prohibition of the constitution was against the city increasing her own debt. The provision of the amendment was to increase, as was desirable and proper, the debt of the drainage fund. These warrants being, on their face and in express terms, payable only from the drainage fund and having been issued and all work not paid for having been done subsequent to the amendment, the original and subsequent takers of the warrants took them with the inhibition of the constitution stamped upon them, and they cannot, either by the orders of the city officials or in any other way, be permitted to increase the city's own debt.

It was also urged that a portion of these warrants, viz., upwards of $300,000 of them, was for the purchase price of the machinery and contract which the Legislature authorized the city to buy, as provided in act No. 16 of 1876. The answer to this argument is that while the city was by the Legislature required to buy it was required to pay in warrants against the drainage fund. This class of warrants was placed, therefore, by the Legislature in precisely the same category as the other drainage warrants issued for work.

The holders of them were as far from having a claim against the city as were the holders of the other warrants against the fund, and with reference to both classes of warrents no rights could spring up which would increase the debt of the city of New Orleans to the holders of either class of warrants. This view would, in our opinion, be conclusive upon this question even if it had been estab-
1405 lished that the city had violated any of its duties as trustee.

It is also urged by the solicitors of the complainant that there is an equity in favor of the complainant which approaches

that of a holder of purely negotiable security, in that there was a holding out on her part that there was a fund when there was none available.

We think the facts of the case show that the city, under legislative mandate, issued the warrants against the fund created by the Legislature and entirely separate from her own funds. This the warrants disclosed in the plainest terms. There was no guaranty asked, nor given, nor implied. The right was that of being paid out of a particular fund, which was created and disposed of by the Legislature.; hence there can be no enlargement of the rights of the holder beyond that expressed in the instrument.

Nor do we find in the record evidence of negligence on the part of the city which should be treated as waste or create any charge beyond that upon the fund. The two grounds upon which this charge is sought to be maintained are (1st) failure on the part of the defendant to collect assessments, and (2nd) failure on its part to push on the work of drainage, whereby the lands subject to the tax would have been rendered valuable enough to have paid the imposed tax.

As to failure to collect, when these assessments were handed over to the city to collect they had been assessed thirteen (13) years, and for that period had been in the hands of commissioners created expressly for the conduct of the drainage system, and with no other business.

1406 If such bureaus had failed to collect for such a period, the inference is strongly forced upon us that the assessments were substantially uncollectible, especially by a municipal corporation herself crushed by debts. This is corroborated by the outcome of the mandamus proceedings taken by Van Oren, transferee of the company, and as warrant-holder, to compel the city to issue writs of *fieri facias* against the owners in 1876. To the application for that writ the city answered that the cost of the proceeding would equal, in her opinion, the amount realized. The result showed her estimate to be nearly correct for the cost of the (125) writs selected by the warrant-holders, and therefore presumably the best for the purpose, was $34,000, and the amount collected under them only $36,000.

Whatever else we have been impressed with upon this ground of complaint has equal force when considered with reference to the second ground of alleged fault on the part of the city, failure to complete the system of projected drainage.

In our opinion the failure to collect and the failure to complete were due to the system of drainage as created and modified by the Legislature, and would have occurred no matter who had been charged with its execution.

A brief statement of the leading features of the original scheme of the Legislature and its subsequent modifications will, we think, demonstrate this.

The tax was arbitrarily levied upon each square foot of the district at a uniform rate without any regard to the value of the land.

This, taken in connection with another provision, that no land
1407 should be sold for taxes unless the price it brought should be equal to the tax levied, rendered the collection of a large portion of the tax a sheer impossibility, as the land was worth less than the tax. It is urged by the complainant's solicitors that the completion of the system would have raised the value of the submerged lands, but this conclusion must rest upon the premise that those who were to do the work of draining would be willing to look for payment to a tax to be collected out of submerged lands which had not sufficient value to pay the imposed assessment.

Then it is to be observed that the availability of these drainage assessments was still further diminished by the act of the Legislature which stripped the assessment of all connection with the owner, leaving no resource except against the land taxed, and the supreme court of the State held that land should not be subject to any assessment which had received no benefit.

A final embarrassment which any trustee would have found difficult to overcome should be mentioned, viz., that by the act No. 30 of 1871 the Legislature selected a contractor and fixed the rate per cubic foot to be paid for excavations at within fifteen cents of three times the original estimate for the work, and though the system was less than two-thirds completed the amount of excavation in cubic feet, as determined by the proper authority selected by the Legislature, was double that upon which the assessments were calculated.

It may be added that the city was entirely without means to prosecute the work to completion. She was prohibited by the
1408 constitution from in any manner or form increasing her debt.

The drainage funds were, as shown herein, inadequate and uncollectible and already burdened with a debt of over $600,000 on account of drainage warrants outstanding. In short, the system of drainage has remained incomplete and has failed, because it was an unwise and inadequate system where every motive springing from human cupidity was against its success and where provision originally inadequate was consumed by extortionate prices established by the Legislature itself.

There are several charges, amounting to about $100,000, which, it is urged, the city illegally allowed and paid out of the fund.

That for the services of Roselius & Philips was clearly a charge upon the fund, for it was for the saving of the entire fund.

That for the clerks selected by Van Orden was imposed by the very act of transfer to the city, was publicly recorded, and was as well known and as subject to opposition in the courts by the warrant-holders as to resistance from the city, and was in good faith intended for the benefit of the trust fund.

We think the payment for legal services to the then city attorney was an error, and would, perhaps, make the city liable for that amount—some $14,000. This item would then fall into the same class as the assessments upon the public streets, &c.

There remains to be considered how much the City has paid out for the fund by taking up warrants outstanding against it and substituting her own absolute obligations.

According to the master's report the city retired $1,600,000 of the drainage warrants and gave therefor her own absolute 7
1409 per cent. 50-year bonds. She did this under the act 73 of 1872. If, as we think, that act required her to issue bonds of the same tenor as the warrants which she took up—*i. e.*, payable out of the fund—then the case would be that of a trustee who, by error, had paid out money or issued securities for the benefit of the estate of the *cestui que trust.*, in which case she would be credited with the amount to the extent of which she had relieved the fund.

On the other hand, if the Legislature meant to have the city issue its own bonds, it then becomes a question of legislative intent as to how the forced assumption should be treated.

Referring to the act, we find the bonds were to be marked "drainage series;" were to be paid out of the drainage fund after the payment of the warrants, and that no other provision whatever was made for retiring or paying the principal. We think it clear that bonds thus to be issued by a trustee, even if they were intended to be absolutely her own and thus to be paid, were intended to be charged against the fund, and that the city — a creditor to that extent of the fund. This would leave the city a creditor against the fund to the amount of $1,600,000, and if we should consider her a debtor to the fund to the amount of the assessments on the public streets and squares and for the $14,000 paid to the city attorney, in the aggregate to the amount of $714,000, it would still leave a balance in her favor of nearly $800,000.

Let the report of the master be amended so as to conform to this opinion, and, upon that being done, let the bill be dismissed at the cost of complainant.

May 31st, 1889.

(Signed) DON A. PARDEE,
Circuit Judge.
EDWARD C. BILLINGS,
District Judge.

1410 THE UNITED STATES OF AMERICA:

Circuit Court of the United States, Eastern District of Louisiana.

The President of the United States to the city of New Orleans, Greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at the city of Washington on the second Monday of October next, pursuant to a motion and order for appeal filed in the clerk's office of the circuit court of the United States for the fifth circuit and eastern district of Louisiana, wherein James Wallace Peake, complainant, Mary J. Mitchell, executrix, and James Jackson, intervening complainants, are appellants and The City of New Orleans, defendant, is appellee, to show cause, if any there be, why the judgment rendered against the said James Wallace Peake, Mary J. Mitchell, executrix, and James Jackson, as in said motion and order mentioned, should not

be corrected and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable Melville W. Fuller, Chief Justice of the Supreme Court of the United States, this 18 day of June, in the year of our Lord one thousand eight hundred and eighty-nine.

DON A. PARDEE, *Judge.*

1411 [Endorsed:] United States circuit court, eastern district of Louisiana. No. 11614. James W. Peake *vs.* City of New Orleans. Citation. No. —. U. S. circuit court, eastern district of Louisiana. Filed June 19, 1889. E. R. Hunt, clerk.

Marshal's Return.

Received Jun- 18, 188–, by the U. S. marshal, and on 18th of June, 1889, I served a true duplicate of the within original citation of appeal on The City of New Orleans, defendent herein, through Jos. H. Shakespear, mayor of the said city, by handing the same to him, Jos. A. Shakespear, mayor, in person, at the office of the said mayor, in the city of New Orleans, and leaving the same in his hands.

J. B. DONNALLY,
U. S. Marshal, E'st'n Dist. of La.

Returned June 19, '89, by J. B. Donnally, Jr., d'y U. S. marshal.

I, J. B. Donnally, Jr., being duly sworn, do depose & say that I am a lawful d'y U. S. marshal for the eastern district of La., and that the service above set forth was made by me and is correctly stated in the foregoing return in accordance with the facts thereof.

J. B. DONNALLY, Jr.

Sworn and subscribed to before me this 19th June, 1889.

E. R. HUNT, *Clerk.*

1412 Supreme Court of the United States.

JAMES WALLACE PEAKE
vs.
THE CITY OF NEW ORLEANS. } No. 1234.

Whereas all the maps which were duly offered in evidence in the court below were under agreement of parties transmitted to the Supreme Court of the United States, where they now are, were by an omission of the clerk of the lower court not certified as a part of the transcript, but were and are a part of the record and should have been certified as such—

It is admitted that the same are a part of the evidence in said above entitled and numbered cause, and should have been certified

as a part thereof, and that all of said maps be reproduced in the printed copies of the transcript of appeal.

New Orleans, January 5, 1890.

RICHARD DE GRAY,
Solicitor for Complainant & Appellant.
CARLETON HUNT,
City Attorney.

1413 [Endorsed:] Supreme Court U. S. 1889, Oct'r term. No. 1234. James Wallace Peake *et al.*, app'ts, *vs.* The City of New Orleans. Stipulation making maps part of record.
[Stamped:] Office Supreme Court U. S. Filed Jan. 10, 1890. James H. McKenney, clerk.

1414 1234.

United States Circuit Court, Eastern District of Louisiana.

CLERK'S OFFICE, NEW ORLEANS, LA.

JAMES WALLACE PEAKE
vs.
CITY OF NEW ORLEANS. } No. 11614. In Equity.

rd R. Hunt, clerk of the circuit court of the United States tern district of Louisiana, do hereby certify that the two anying maps, marked respectively "complainant's map ex., April 5, 1888," and "O. B. S., master, Feb'y 1st, '89," of the original record and evidence in the above entitled mbered cause, and that the same were omitted from the script of appeal sent to the Supreme court of the United States through inadvertence.

Witness my hand and seal of court this 31st day of December, A. D. 1889, at New Orleans.

[Seal U. S. Circuit Court for the 5th Circuit & Eastern District of La.]

E. R. HUNT, *Clerk.*

(Here follow maps marked pp. 1415 & 1416.)

Endorsed on cover: E. Louisiana C. C. U. S. No. 1234. James Wallace Peake, Mary J. Mitchell, executrix of Richard D. Mitchell, deceased, and James Jackson, appellants, *vs.* The City of New Orleans. Filed September 20, 1889.

ADDITION TO TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1889.

No. ~~1294.~~ 852

JAMES WALLACE PEAKE; MARY J. MITCHELL, EXECUTRIX OF RICHARD D. MITCHELL, DECEASED; AND JAMES JACKSON, APPELLANTS,

vs.

THE CITY OF NEW ORLEANS.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF LOUISIANA.

RECORD FILED SEPTEMBER 20, 1889.—ADDITION FILED MARCH 13, 1890.

SUPR

JAMES V
TRIX
JAMES

APPEAL F

Stipulation f
Schedul
Ordinan
Ordinan
Additional r
Complai
ing se
posed
Map ma
of Ne
Map of

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1889.

No. 1234.

AMES WALLACE PEAKE; MARY J. MITCHELL, EXECUTRIX OF RICHARD D. MITCHELL, DECEASED; AND JAMES JACKSON, APPELLANTS,

vs.

THE CITY OF NEW ORLEANS.

PPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF LOUISIANA.

INDEX.

	Original.	Print.
ipulation for correction of and addition to record	1	1
Schedule of corrections	2	1
Ordinance No. 882, June 8, 1871	14	9
Ordinance No. 2460, December 31, 1873	16	10
dditional maps referred to in stipulation at page 788 of record	18	11
Complainants' map 1, O. B. S., April 5, 1888—Sketch of draining sections of New Orleans, showing present canals, with proposed protection levees and reservoir canals, May, 1872	18	11
Map marked O. B. S., master, February 9, 1889—Draining districts of New Orleans, 1873	19	11
·Map of first draining district—Section 1	20	11
2	21	11
3	22	11
4	23	11
5	24	11
6	25	11
7	26	11
8	27	11

JUDD & DETWEILER, PRINTERS, WASHINGTON, MARCH 15, 1890.

	Original.	Print.
Map of third draining district—Section 1	28	11
2	29	11
3	30	11
4	31	11
5	32	11
6	33	11
7	34	11
8	35	11
9	36	11
10	37	11
Grand recapitulation of the fourth draining district	38	11
Map of fourth draining district—Section 1	39	11
2	40	11
3	41	11
4	42	11

Supreme Court of the United States.

JAMES WALLACE PEAKE
vs.
THE CITY OF NEW ORLEANS. } No. 1234.

It is admitted that the printed transcript herein needs correcting s follows: Ordinances Nos. 882 and 2460 are omitted and "Com-lainant's Map 1," referred to on page 111 and marked O. B. S., ex., pril 3, 1888, and covered by stipulation on pages 788 and 789 of aid transcript of record, and the extracts from the assessment-rolls f the 1st draining district, as contained between pages 131 and 143, ere not offered in evidence, being incorrect, but in their place *was* ffered extracts from said assessment-rolls as they were filed in the ower court and homologated by the supreme court, as contained etween pages 192 and 199. See note of evidence, pages 33, 103, 04, 190, and 191.

And it is further admitted that the aforesaid evidence as marked y the examiner and master and in complainant's note of evidence to be found on the following pages of the record, which are now oted with the initials and mark of the master and examiner for he purpose of establishing the identity of the same:

Document.	Page of record where found.	Marked by complainants in their note of evidence, p. 103, &c., &c.	Marked by examiner and master.
ketch of draining sections of New Orleans	See pages 788	1	Complainants' map 1, O. B. S., ex.
lan proposed improvement lake shore front	788	2	Complainants' map 2, O. B. S., ex.
rdinance No. 1359	111	7	O. B. S., April 5, 1888.
1372	112	8	O. B. S., ex., April 5, 1888.
1849	112	9	O. B. S., ex., April 5, 1888.
ssessment 1	113	10	O. B. S., April 5, 1888.
ssessment 2	113	11	O. B. S., April 15, 1888,
ssessment 3	114	12	O. B. S., April 15, 1888.
ssessment 4	114	13	O. B. S., April 15, 1888.
ourt proceeding declaring mortgage in first draining dist., Exhibit A.	115	14	O. B. S., ex., Apr. 5, 1888.
ourt proceeding declaring mortgage, &c., in the second draining dist., parish of Jefferson, Exhibit B.	144	15	O. B. S., ex., April 5, 1888.

Document.	Page of record, where found.	Marked by complainants in their note of evidence, p. 103, &c., &c.	Marked by examiner and master.
Court proceedings declaring 1st mortgage, &c., 2nd draining dist., parish of Orleans, Exhibit C.	See pages 155	16	O. B. S., ex., April 5, 1888.
Court proceedings declaring 1st mortgage, &c., 3rd draining dist., Exhibit D.	168	17	O. B. S., ex., Apr. 5, 1888.
Court proceedings declaring 1st mortgage, &c., 4th draining dist., Exhibit E.	180	18	O. B. S., ex., April 5, 1888.
3 Assessment-rolls homologated by supreme court La., 1st draining district, Exhibit A 1.	190	19	O. B. S., ex., April 5, 1888.
Assessment-rolls and proceeding homologating same in 2nd draining dist., parish of Jefferson, marked B 1.	146	19	O. B. S., ex., April 5, 1888.
Proceeding and assessment-rolls homologated in 2nd draining dist., parish of Orleans, marked C 1.	159	19	O. B. S., ex., April 5, 1888.
Proceedings and assessment-roll homologated in 3rd draining dist., marked D 1.	170	19	O. B. S., ex., April 5, 1888.
Proceedings and assessment-roll homologated in 4 draining dist., marked E 1.	183	19	O. B. S., ex., April 5, 1888.
Petition, answer, exceptions, amendments to petition, judgment, execution, and marshal's return.	201	21	
Amounts collected by city of New Orleans and paid out for purposes not contemplated by act 30 of 1871, marked Account No. —.	213	21	O. B. S., ex., April 6, 1888.
Ordinance No. 1574	214	22	O. B. S., ex, April 6, 1888.
1615	215	23	O. B S., ex., April 6, 1888.
Contract J. J. O'Hara and city	215	24	O. B. S., ex., April 6, 1888.
Compromise between O'Hara & city	219	25	O. B. S., ex., April 6, 1888.
4 Ordinance 2467	223	26	O. B. S., ex., Apr. 6, '88.
2573	224	27	O. B. S., ex., Apr. 6, '88.
Statement att'y fees collected 3rd draining district.	225	28	O. B. S., ex., Apr. 6, '88.
Statement att'y fees collected 1st draining district.	226	29	O. B. S., ex., Apr. 6, 1888.
Statement from ledger of dep't finance from 1871 to Nov., 1877.	230	31	O. B. S., ex., Apr. 6, 1888.
Am't of draining secured by city in draining warrants.	234	32	O. B. S., ex., April 6, 1888.
Statement salaries paid Mayo	235	33	O. B. S., ex., April 6, 1888.
Deposition Van Norden before Dan. Seymour	236	34	O. B. S., ex., Apr. 6, 1888.
Ordinance No. 3479	241	37	O. B. S., ex., Apr. 6, 1888.
Inventory effects Miss. & Mex. Gulf Canal Co.	241	38	O. B. S., ex., April 6, 1888.

Document.	Page of record where found.	Marked by complainants in their note of evidence, p. 103, &c., &c.	Marked by examiner and master.
	See pages		
Ordinance No. 3539	247	39	O. B. S., ex., April 6, 1888.
Bill sale Miss. & Mex. Gulf Canal Co., &c., to city of New Orleans.	248	40	O. B. S., ex., April 6, 1888.
Record copy judg't, mortgage, and lien in 1st draining dist.	254	41	O. B. S., ex., April 7, 1888.
Homologation assessment-roll	255	41	O. B. S., ex., April 7, 1888.
Record copy judgment, mortgage, and lien in second draining dist., parish Orleans.	256	42	O. B. S., ex., April 7, 1888.
Homologation assessment-roll, 2nd dist., parish of Orleans.	257	42	O. B. S., ex., Apr. 7, 1888.
5 Record copy judgment, mortgage lien in 2nd dist., parish of Jefferson.	258	43	O. B. S., ex., April 7, '88.
Homologation assessment-roll, parish of Jefferson.	259	43	O. B. S., ex., Apr. 7, 1888.
Record copy judgment, mortgage lien, &c., third draining dist.	260	44	O. B. S., ex., April 7, 1888.
Homologation assessment-roll 3rd draining dist.	261	44	O. B. S., ex., April 7, 1888.
Record copy judgment, mortgage lien, &c., fourth draining dist.	262	45	O. B. S., ex., April 7, 1888.
Mortgage lien & privilege, 4th dist.	264	45	O. B. S., ex., April 7, 1888.
Homologation assessment-roll, 4th dist.	265	45	O. B. S., ex., April 7, 1888.
Homologation of assessment-roll, 4th dist.	266	45	O. B. S., ex., April 7, 1888.
Deposition of W. H. Bell	268	47	O. B. S., ex., April 7, 1888.
Deposition Jos. Collins	272	48	O. B. S., ex., April 7, 1888.
Statement draining tax by Larouge	273	49	O. B. S., ex., April 11, 1888.
Last 13 pages certain book marked by examiner O. B. S., ex., April 11, 1888.	275	50	O. B. S., ex., April 11, 1888.
Contents of 4 other paper books purporting to be statement taxes unpaid to June 1st, 1885.	278	51	O. B. S., ex., April 11, 1888.
Mayo statement draining tax, 4 districts	314	52	O. B. S, ex., April 11, 1888.
Ordinance 4483	318	53	O. B. S., ex., April 11, 1888.
Proposal New Orleans to sell dredge-boats	318	54	O. B. S., ex., April 11, 1888.
6 Ordinance 6741	318	55	O. B. S., ex., April 11, 1888.
Brosnan's report city surveyor	319	56	O. B. S., ex., Apr. 11, 1888.
Ordinance 6038	320	57	O. B. S., ex., April 11, 1888.
6396	320	58	O. B. S., ex., April 11, 1888.
6970 and proclamation	321	59	O. B. S., ex., April 11, 1888.

Document.	Page of record where found.	Marked by complainants in their note of evidence, p. 103, &c., &c.	Marked by examiner and master.
	See pages		
Deposition Dan. Brosnan	37	60	
S. D. Moody	39	61	
Opinion Sup. Court U. S. in Davidson *vs.* New Orleans.	321	62	
Opposition of Mrs. Rey	321	63	O. B. S., ex., April 12, '88.
Extract assessment-roll 1st drainage dist., name of John Davidson.	322	64	O. B. S., ex., April 12, '88.
Copy petition, alternative writ, mandamus, &c.	323	65	O. B. S., ex., April 12, 1888.
Opinion and decree sup. court La., Davidson *vs.* New Orleans, 34 A, p. 170.	338	66	
Notice Miss. & Mexican Gulf Canal Co.	338	67	O. B. S., ex., April 13, 1888.
Extract council proceeding	338	68	O. B. S., ex., April 13, 1888.
Report city surveyor	339	69	O. B. S., ex., April 13, 1888.
Ordinance 814	340	70	O. B. S., ex., April 13, 1888.
Deposition J. O. Noyes	343	71	O. B. S., ex., April 13, 1888.
Ordinance No. 820	343	72	O. B. S., ex., April 12, 1888.
No. 944	344	73	O. B. S., ex., April 12, 1888.
Cockrem's report adopted	344	74	O. B. S., ex., April 13, 1888.
Ordinance No. 954	344	75	O. B. S., ex., April 13, 1888.
1252	345	76	O. B. S., ex., April 13, 1888.
1362	345	77	O. B. S., ex., April 13, 1888.
7 Ordinance No. 1374	346	78	O. B. S., ex., April 13, 1888.
1504	347	79	O. B. S., ex., April 13, 1888.
1507	347	80	O. B. S., ex., April 13, 1888.
1563	348	81	O. B. S., ex., April 13, 1888.
2678	348	82	O. B. S., ex., April 13, 1888.
2640	349	83	O. B. S., ex., April 13, 1888.
Thirteen certain extracts of sale	349	84	O. B. S., ex., April 13, 1888.
Eleven certain " "	359	85	O. B. S., ex., April 13, 1888.
Deposition of W. Van Norden before McHarg, comm'r.	367	86	O. B. S., ex., April 13, 1888.
Petition of appeal of city of N. O.	374	87	O. B. S., ex., April 14, 1888.

Document.	Page of record where found.	Marked by complainants in their note of evidence, p. 103, &c., &c.	Marked by examiner and master.
	See pages		
Account of work done in the first to fourth districts, inclusive.	376	88	O. B. S., ex., April 14, 1888.
Deposition of Jno. L. Newman	43	89	
Ernest Jarnet	44	90	
Drainage warrants offered on behalf of Mary J. Mitchell, executrix, &c.:		91	
No. 111, dated June 11, 1875	382	92	
160, dated Sept. 2, 1875	382	93	
246, " Jan. 7, 1876	382	94	
247, " " "	382	95	
248, " " "	382	96	
All on file in suit No. 11551, U. S. circuit court, E. D. La.	382	97	
Deposition of L. Laroque before examiner	46	101	
Copy of order of third dist. court in No. 17028.	383	102	
Certificates of clerks of civil district court and supreme court of State of La.	383 & 385	103 & 104	O. B. S., ex., Dec. 18, 1888.
Statement of indebt. city of N. O, June 30, '72.	Between 384 & 385	105	O. B. S., ex., Dec. 18, 1888.
Stat'm't indebt. city N. O., Dec. 31, '72	"	106	O. B. S., ex., Dec. 18, 1888.
June 30, '73	"	107	O. B. S., ex., Dec. 18, 1888.
Dec. 31, '73	"	108	O. B. S., ex., Dec. 18, 1888.
June 30, '74	"	109	O. B. S., ex., Dec. 18, 1888.
Dec. 31, '74	"	110	O. B. S., ex., Dec. 18, 1888.
Dec. 31, '75	"	111	O. B. S., ex., Dec. 18, 1888.
June 30, '76	387	112	O. B. S., ex., Dec. 18, 1888.
Dec. 31, '76	388	113	O. B. S., ex., Dec. 18, 1888.
Extract from bill sale, G. Guibelato	390	114	O. B. S., M., Feb'y 9, 1889.
Henry J. Cockburn to Gunther.	391	115	O. B. S., M., Feb'y 9, 1889.
T. O. Stark	391	116	O. B. S., M., Feb'y 9, 1889.
Henry Hertzog	392	117	O. B. S., M., Feb'y 9, 1889.
Mrs. Chaurant	392	118	O. B. S., M., Feb'y 9, 1889.
J. B. Ward	393	119	O. B. S., M., Feb'y 9, 1889.
J. J. Weckerling	393	120	O. B. S., M., Feb'y 9, 1889.
Doricourt	393	121	O. B. S., M., Feb'y 9, 1889.
H. Newman	394	122	O. B. S., M., Feb'y 9, 1889.

Document.	Page of record where found.	Marked by complainants in their note of evidence, p. 103, &c., &c.	Marked by examiner and master.
	See pages		
Extract from bill sale, G. A. Hero	394	123	O. B. S., M., Feb'y 9, 1889.
D. Clouney	395	124	O. B. S., M., Feb'y 9, 1889.
W. D. Hoyle	395	125	O. B. S., M., Feb'y 9, 1889.
—— Lafon	396	126	O. B. S., M., Feb'y 9, 1889.
9 Santini	396	127	O. B. S., M., Feb'y 9, 1889.
Hoyle vs. Schultz	396	128	O. B. S., M., Feb'y 9, 1889.
Fitzgerald	397	129	O. B. S., M., Feb'y 9, 1889.
E. Garnet	397	130	O. B. S., M., Feb'y 9, 1889.
N. O. Canal & B'k'g Co.	398	131	O. B. S., M., Feb'y 9, 1889.
Bradish Johnson	400	132	O. B. S., M., Feb'y 9, 1889.
"	401	133	O. B. S., M., Feb'y 9, 1889.
" La.	401	134	O. B. S., M., Feb'y 9, 1889.
Chadwick to Nichols	402	135	
Doricourt to Chateau	402	136	O. B. S., M., Feb'y 9, 1889.
Same to J. B. Dart	403	136	O. B. S., M., Feb'y 9, 1889.
" to S. M. Capillon.	403	136	O. B. S., M., Feb'y 9, 1889.
Process verbal & map, with prices stated of auction of M. C. Gaines.	403	137	O. B. S., M., Feb'y 9, 1889.
Map annexed to process verbal	405	137	O. B. S., M., Feb'y 9, 1889.
Court proceedings on relation of Geo. L. Bright to erase drainage tax.	406	138	O. B. S., M., Feb'y 9, 1889.
Court proceedings on relation of B. Johnson to erase drainage tax.	409	139	O. B. S., M., Feb'y 7, 1889.
Opposition of W. O. Denegre	414	140	O. B. S., M., Jan'y 7, 1889.
P. Irwin *et als.*	415	141	O. B. S., M., Jan'y 7, 1889.
Henrietta Davidson	417	142	O. B. S., M., Jan'y 7, 1889.
10 Statement showing total assessment in 1st D. dist.	420	143	O. B. S., ex., Dec. 4, 1888.
Statement showing total assessment in 2nd D. dist.	421	143	O. B. S., ex., Dec. 4, 1888.
Statement showing total assessment in 3rd D. dist.	422	143	O. B. S., ex., Dec. 4, 1888.
Statement showing total assessment in 4th D. dist.	423	143	O. B. S., ex., Dec. 4, 1888.
Recapitulation of assessments of amounts collected all districts.	610	144	O. B. S., ex., Dec. 4, 1888.

Document.	Page of record where found.	Marked by complainants in their note of evidence, p. 103, &c., &c.	Marked by examiner and master.
	See pages		
Statement showing issuance of gold bonds to drainage warrant holders from May, 1872, to Dec. 31, '74.	423	145	O. B. S., ex., Dec. 4, 1888.
Statement showing issuance of gold bonds to holders of drainage warrants from May, 1872, to Dec. 31, 1874.	430	146	O. B. S., ex., Dec. 4, 1888.
Statement of collections of drainage tax, 4 drainage districts, with disbursements.	435	147	O. B. S., ex., Dec. 4, 1888.
Copy of statement of Shaw, administrator of public accounts, to city council in 1872.	467	148	O. B. S., ex., Dec. 18, 1888.
Deposition of J. L. Newman in rebuttal	518	149	
A. P. Harrison	519	150	
Extract from register of 7-30 certificates.	473	151	O. B. S., ex., Dec. 18, 1888.
11 Copy of warrant for gold bond	474	152	O. B. S., ex., Dec. 18, 1888.
Copy of memorandum of drainage warrants deposited by J. W. Pearce.	474	153	O. B. S., ex., Dec. 4, 1888.
Copy of receipt of J. W. Pearce	475	154	O. B. S., ex., Dec. 4, 1888.
Copy of order of L. A. Wiltz, mayor	475	155	O. B. S., ex., Dec. 4, 1888.
Receipt of W. Van Norden	476	156	O. B. S., ex., Dec. 4, 1888.
Ordinance No. 264, council series	476	157	O. B. S., ex., Dec. 18, 1888.
Report of committee on draining	476	158	O. B. S., ex., Dec. 18, 1888.
Deposition of F. N. Butler	483	159	
B. R. Forman	479	160	
E. H. Chadwick	495	161	
Sam'l Burchfield	492	162	
E. C. Palmer	507	163	
Statement by F. N. Butler of counsel fees and costs paid by Jno. Crossley & Sons.	523	164	O. B. S., ex., Dec. 18, 1888.
Statement (newspaper print) of Leche, street commissioner.	525	165	O. B. S., M., Feb'y 9, 1889.
Judgment of Jas. Jackson *vs.* City of N. O., in No. 11558, &c.	531	166	O. B. S., ex., Dec. 18, 1888.
Cert. copy of docket entries of supreme court of La., No. 4338.	533	167	O. B. S., ex., Dec. 18, 1888.
Deposition of L. J. Fremaux	499	168	
Statement of drainage warrants outstanding and unpaid to Jan'y 1, 1889.	535	169	O. B. S., M., Feb'y 26, 1889.
Pleadings and court proceedings in cases—	543	170	
Jno. Crossley & Sons *vs.* N. O., No.			
12 9384; State *ex Rel.* Jno. Crossley & Sons, L'd, *vs.* N. O., No. 9935;			
Same *vs.* City of N. O., No. 10337, all in U. S. circuit court.			

Document.	Page of record where found.	Marked by complainants in their note of evidence, p. 103, &c., &.	Marked by examiner and master.
	See pages		
Statement showing drainage cert. issued to Miss. & Mex. Gulf Ship Canal Co. in payment for work done as per surveyor's cert.	585	171	O. B. S., ex., Dec. 4, 1888.
Mortgage certificate in name of Gilbert Lyman.	587	172	O. B. S., M., Feb'y 9, 1889.
Mayo's report to Mayor Flanders of canals dug.	588	173	O. B. S., M., Feb'y 26, 1889.
Copy of petition to revive judgments—1st district.	590	174	O. B. S., ex., Dec. 15, 1888.
Statement showing pieces of property in the various drainage districts seized by the sheriff.	593	175	O. B. S., M., Feb'y 9, 1889.
Ordinance No. 2128, A. S.	599	177	O. B. S., ex., Dec. 18, 1888.

And it is further admitted that the evidence offered by defendants requires correction as follows: That the same as marked by the examiner and master and in defendant's note of evidence is to be found on the following pages of the record, which are now noted with the initials and mark of the master and examiner for the purpose of establishing the identity of the same.

Document.	Page of record where found.	Marked by complainants in their note of evidence, p. 103, &c., &c.	Marked by examiner and master.
	See pages		
Charter amending canal company	601	112	O. B. S., ex., Dec. 4, 1888.
Contract—Van Norden with Co.	603	113	O. B. S., ex., Dec. 4, 1888.
Sale of dredge-boats to Van Norden	605	114	O. B. S., ex., Dec. 4, 1888.
Contract—Van Norden with canal company.	607	115	O. B. Sr, ex., Dec. 4, 1888.
13 Statements collections drainage tax and disbursements furnished by city.	435	116	O. B. S., ex., Dec. 4, 1888.
Statement of original assessments	420	117	O. B. S., ex., Dec. 4, 1888.
Recapitulation of above	610	118	O. B. S., ex., Dec. 4, 1888.
Statement gold bonds	423	119	O. B. S., ex., Dec. 4, 1888.

Document.	Page of record where found.	Marked by complainants in their note of evidence, p. 103, &c., &c.	Marked by examiner and master.
Statement drainage certificates	See pages 585	120	O. B. S., ex., Dec. 4, 1888.
Gold bonds for warrants	430	121	O. B. S., ex., Dec. 4, 1888.
Red drainage warrant	611	122	O. B. S., ex., Dec. 6, 1888.
Copy of receipts for drainage warrants	475	123	O. B. S., ex., Dec. 6, 1888.
Ordinance No. 1484	611	124	O. B. S., ex., Dec. 6, 1888.
1507	612	125	O. B. S., ex., Dec. 6, 1888.
1554	613	126	O. B. S., ex., Dec. 6, 1888.
1563	614	127	O. B. S., ex., Dec. 6, 1888.
Red and white warrant	615	127*a*	O. B. S., ex., Dec. 6, 1888.
Copy of white warrant in use to June, 1872	616	127*b*	O. B. S., ex., Dec. 6, 1888.
Statements of writs of *fi. fa.* issued and sales made.	617	146	O. B. S., master, Feb'y 9, 1889.
Account of work done in various draining districts by canal Co.	619	178	O. B. S., M., April 23, 1889.

And it is now agreed that said ordinance- No-. 882 and 2460, copies of which are hereto annexed, shall be annexed to the transcript of record as a part thereof and shall be printed, being omitted from the transcript, but having been offered, as appears by entry on page 521.

14 O. B. S,. Ex., Dec'r 18th, 1888.

MAYORALTY OF NEW ORLEANS,
CITY HALL, *June 8th*, 1871.

(No. 882, administration series.)

An ordinance to provide for the issuance of certificates of indebtedness and repealing ordinances 197 and 747, administration series.

Whereas, owing to the operation of the statutes requiring the receipt of Metropolitan police warrants in payment of taxes, licenses, and debts, and also to various other causes, the city cannot realize its full computed budget of revenue in cash for the present year, while, on the other hand, expenses and debts by causes beyond the

control of the city have become necessary to be provided for, and there exist past and maturing claims over and above what the city can provide for under previous funding bills;

And whereas it is necessary to the credit of the city that all creditors having matured obligations and claims against which the city has no just defense should, if desired by them, receive a transferable acknowledgment of the obligations and equitable interests thereon:

SECTION 1. Be it ordained by the council of the city of New Orleans, That holders of claims and accounts which the council of the city shall approve under this ordinance shall be entitled to a certificate under its provisions.

SEC. 2. Be it further ordained, That such claims and accounts shall bear interest from the issue of the certificate at the rate of seven and three-tenths — per annum, and said rate of interest shall continue until payment or funding under an act of the Legislature, and it shall be understood between holders of all certificates hereunder and the city that the city shall not be sued thereon until after the adjournment of the regular session of the Legislature of 1872, and in case of its failure to pass a satisfactory funding bill.

SEC. 3. Be it further enacted, etc., That the first payment of interest under this ordinance shall be due on the first of January, 1872, and thereafter semi-annually until the extinction or liquidation of the debt.

SEC. 4. Be it further ordained, etc., That the certificates shall name the principal debt, and shall refer and be subject to the terms of the present ordinance. They shall be signed by the mayor and administrator of finance and attested and registered by the administrator of public accounts. They shall be payable to the original holder or bearer, and shall be transferable by delivery.

SEC. 5. Be it further ordained, etc., That ordinances 197 and 747, administration series, be, and the same are hereby, repealed, and all certificates under the same be at once called in and settled.

Adopted by the council of the city of New Orleans June 8, 1871.

Yeas—Shaw, Deassize, Remick, Lewis, Walton.

BENJ. F. FLANDERS, *Mayor.*

A true copy:

H. CONQUEST CLARKE, *Secretary.*

O. B. S., Ex., Dec'r 18th, 1888.

MAYORALTY OF NEW ORLEANS,
CITY HALL, *December* 31, 1873.

No. 2460, administration series.

An ordinance authorizing the receipt of drainage warrants in payment of drainage taxes.

Be it ordained, That from and after the passage of this ordinance all drainage warrants heretofore or hereafter issued by the administrator of public accounts under act No. 30 of the Legislature of 1871, with the accrued interest thereon, shall be receivable by the

administrator of finance in payment of drainage taxes, and, in order to facilitate the payment of said taxes, the administrator of public accounts shall, on the application of any holder of a drainage warrant of a larger amount than the drainage tax which is to be paid, divide said warrant into suitable sums.

Adopted by the council of the city of New Orleans December 30, 1873.

Yeas—Brewster, Calhoun, Litzenreiter, Lewis, Schneider, Strucken, Turnbull.

LOUIS A. WILTZ, *Mayor.*

A true copy:
DANIEL SCULLY.

N. O., *M'ch* 11th, 1890.

It is further stipulated that all parties hereto shall have the right to correct further errors should any be discovered, and that the intention of this stipulation is to correct clerical errors, as above stated.

RICHARD DE GRAY,
Solicitor for Complainant & Appellant.
CARLETON HUNT,
City Att'y, Sol'r for Defendant.

17 [Endorsed:] Sup. Court U. S., 1889, October term. No. 1234. Jas. Wallace Peake *et al.*, app'ts, *vs.* The City of New Orleans. Stipulation for correction of & addition to record.

[Stamped:] Office Supreme Court U. S. Filed March 13, 1890. James H. McKenney, clerk.